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U.S. Department of State

Egypt Country Report on Human Rights Practices for 1998

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EGYPT

According to its Constitution, Egypt is a social democracy in which Islam is the state religion. The National Democratic Party (NDP), which has governed since its establishment in 1978, has used its entrenched position to dominate national politics, and it maintains an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. President Hosni Mubarak was reelected unopposed to a third 6-year term by the People's Assembly in 1993. The Cabinet and the country's 26 governors are appointed by the President and may be dismissed by him at his discretion. The judiciary is independent.

There are several security services in the Ministry of Interior, two of which are involved primarily in combating terrorism: The State Security Investigations Sector (SSIS), which conducts investigations and interrogates detainees; and the Central Security Force (CSF), which enforces curfews and bans on public demonstrations and conducts paramilitary operations against terrorists. The President is the commander-in-chief of the military; the military is a primary stabilizing factor within society but generally does not involve itself in internal issues. The use of violence by security forces in the campaign against suspected terrorists appeared more limited than in previous years. The security forces committed numerous serious human rights abuses.

Egypt is in transition from a government-controlled economy to a free market system. The Government continued its privatization program, although key sectors of the economy remain under government control. Agriculture remains the largest employer and is almost entirely in private hands. The tourism sector generates the largest amount of foreign currency. Petroleum exports, Suez Canal revenues, and

remittances from approximately 2 million Egyptians working abroad are the other principal sources of foreign currency. In the past 8 years, the Government has enacted significant economic reforms, which have reduced the budget deficit, stabilized the exchange rate, reduced inflation and interest rates significantly, and built up substantial reserves. The success of the macroeconomic reform has resulted in an annual economic growth rate of 5 percent for fiscal year 1997-98. Continued progress in economic development depends primarily upon implementation of a wide range of structural reforms. The per capita gross domestic product (GDP) is about \$1,100 per year. Official statistics place 34.4 percent of wage earners in the agricultural sector, and knowledgeable observers estimate that perhaps 3 to 5 percent of those engage in subsistence farming. The annual population increase is 2.1 percent. Adult literacy rates are 63 percent for males and 34 percent for females.

The Government continued to commit numerous serious human rights abuses, although its record improved somewhat over the previous year. The ruling NDP dominates the political scene to such an extent that citizens do not have a meaningful ability to change their government.

The Emergency Law, which has been in effect since 1981, continues to restrict many basic rights. The security forces and terrorist groups continued to engage in violent exchanges. In fighting the terrorists, the security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engage in mass arrests. In actions unrelated to the antiterrorist campaign, local police killed, tortured, and otherwise abused both criminal suspects and other persons. The Government took disciplinary action against police officers accused of abusing detainees, including prosecution of several offenders, but it did not pursue most cases or seek adequate punishments. Local human rights groups reported that in the course of a murder investigation in August and September, the police detained hundreds of citizens, including relatives of suspects, women, and children, in the largely Coptic Christian village of al-Kush in Sohag governorate. Local observers reported that dozens of these detainees were subjected to torture and mistreatment. In October the public prosecutor in Sohag charged local clergymen Bishop Wisa and Arch-Priest Antonius with witness tampering after they publicly protested the police conduct. They were questioned and released after each paid bail. On December 1, a state security prosecutor charged the secretary general of the Egyptian Organization for Human Rights (EOHR), Hafez Abu Se'da, with accepting foreign money and publishing false information with the intent to harm national interests. The charges were based on a report critical of the Sohag incident published by the EOHR on September 28. Abu Se'da was detained for 6 days and then released on bail. A state security prosecutor also levied the same charges against EOHR attorney Mustafa Zidane on December 9. Zidane is the author of the EOHR report on the Sohag incident. He was not detained but required to pay bail. The charges raised against Bishop Wisa, Arch-Priest Antonius, Abu Se'da, and Zidane have not been dropped.

Prison conditions are poor. In a significant policy shift, the Ministry of Interior announced in December that it had released up to 5,000 political detainees during the year. The use of military courts to try civilians continued to infringe on a defendant's right to a fair trial before an independent judiciary. However, during the year the Government referred only one case, involving 65 civilian defendants, to the military court system. The Government used the Emergency Law to infringe on citizens' privacy rights. Although citizens generally express themselves freely, the Government continued to place some restrictions on freedom of the press. The Government restricts freedom of assembly and association. Despite difficulties due to an inadequate legal framework and periodic government harassment, a number of local human rights groups are active. Although the Government does not legally recognize them, it allows these groups to operate openly. The Government places limits on freedom of religion.

Women and Christians face discrimination based on tradition and some aspects of the law. Domestic violence against women is a problem. Terrorist violence against Christians is a problem. Child labor remains widespread despite government efforts to eradicate it. Abuse by employers continues, and the

Government does not enforce the law effectively. Although the Government enforces the 1996 decree banning the practice of female genital mutilation (FGM), many families persist in subjecting their daughters to the traditional practice. The Government limits workers' rights.

Terrorist groups committed numerous serious abuses. Terrorist groups seeking to overthrow the Government and establish a purportedly Islamic state continued their attacks on police and Coptic Christians. Terrorist groups were responsible for 29 deaths throughout the year. In September Amnesty International (AI) issued a report on the impact of terrorist groups titled "Human Rights Abuses by Armed Groups," which covers the period 1992-1998. AI reported that armed groups in Egypt, particularly the Islamic Group and the Jihad Group, have been responsible for numerous serious abuses and have killed hundreds of civilians, including Coptic Christians and foreign tourists. However, the report noted that political violence appeared to have diminished considerably over the first 8 months of the year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, police committed extrajudicial killings, and such killings also may have occurred in certain antiterrorist operations.

On April 9, Waheed Al Sayyid Ahmad Abdallah died as a result of torture during interrogation by police in the village of Belqas in Mansura governorate (see Section 1.c.). In response to Abdallah's death, the public prosecutor charged five security officials with premeditated murder. On April 30, Mahmoud Fares died as a result of torture while detained at a prison in Port Said (see Section 1.c.). On September 26, Gamal Mohammed Abdallah Mustafa died as a result of torture during an investigation by police in the Cairo suburb of Ma'adi (see Section 1.c.). The public prosecutor is investigating the incident.

Four persons died in Luxor on April 17 after security forces opened fire on a crowd protesting government demolition of their homes. The names of these persons were Mohammed Ahmad Radwan, Mohammed Ahmad Ahrya, Badawy Ahmad Al Bahairy, and Mohammed Mahmoud Ahmad. In civil unrest related to the ongoing implementation of the Agrarian Reform Law, security forces killed four persons in ensuing clashes. According to the Land Center for Human Rights, the persons who died were Mohammed Ali Hemeida, Ahmed Mohammed Abdou, Sweilam Shamiya Mahrous, and Mohammed Mohammed Ali.

In antiterrorist campaigns, security forces killed 18 suspected terrorists during raids on suspected terrorist hideouts; there were no reports of the excessive use of lethal force. No suspects died while attempting to escape arrest. There were no reports of killings of relatives of suspected extremists by security forces in apparent vendettas.

Eleven persons died in prison, reportedly due to medical negligence by the authorities (see Section 1.c.).

The public prosecution is investigating allegations of the use of torture by police that resulted in the death of a businessman in November 1997 in the governorate of Galoubiya (see Section 1.c.). In response to a 1994 charge of police torture of Fateh Al-Bab Abdel Moneim, a court convicted the defendant to 1-year's imprisonment in January. The officer is appealing the verdict. According to the Egyptian Organization for Human Rights (EOHR), the prosecution dropped the case against a police

officer charged with the 1995 torture of Gamal El-Shazly. Reportedly, the officer was subjected to an internal reprimand and transferred.

Terrorist groups were responsible for the majority of the deaths in civil unrest. They killed 29 persons, compared with 155 in 1997. This total included 11 police and security officers and 18 civilians, including 8 Coptic Christians.

On February 1, the Government executed four members of the Islamic Group who were sentenced to death by a military court in 1997 for killing a state security officer in Giza in 1993, and for bombing nine banks in Cairo and Giza in 1993 and 1994. On June 10 the Government executed two members of the Islamic Group sentenced to death by a state security court in 1997 for carrying out acts of terrorism in Sohag governorate in 1994. On May 24 the Government executed the two men who were sentenced to death by a military court in 1997 for carrying out a terrorist attack resulting in the death of nine German tourists at the Egyptian Museum in Cairo in September 1997. On November 25, the government executed one member of the Islamic Group sentenced to death by a military court in 1995 for planning to carry out acts of terrorism in the Khan al Khalili market of Cairo. Also on November 25, the government executed two members of the Islamic Group, including local leader Gamal Abu Rawash, convicted during the year for planning to kill public figures (see Section 1.e.).

b. Disappearance

There were no reports of politically motivated disappearances.

The Human Rights Center for the Assistance of Prisoners is investigating the cases of 19 persons who disappeared during the period between 1992 and 1996. One individual reported missing in 1997 by the center has been found. During the year the EOHR reported the disappearance of 21 persons since 1994. The EOHR suspects that 17 of these persons are members of the terrorist organization known as "the Islamic Group in Egypt." The EOHR continues to investigate nine previously reported disappearances. The EOHR has provided these names to the U.N. Committee on Disappearances, but the Government reportedly has denied any involvement in these cases, and has not responded to queries from human rights monitors regarding other outstanding cases.

After an investigation of the case of former Libyan Foreign Minister Mansur Kikhiya, who disappeared from Cairo in 1993, a Cairo court on March 21 rejected claims of government culpability in his kidnapping and execution. Kikhiya's family sued the Government following reports that he had been kidnaped from Cairo by Libyan agents, taken to Libya, and executed there in early 1994.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, torture and abuse of detainees by police, security personnel, and prison guards is common.

Under the Penal Code, torture of a defendant or orders to torture are felonies punishable by temporary hard labor or 3 to 10 years' imprisonment. If the defendant dies, the crime is one of intentional murder punishable by a life sentence at hard labor. Arrest without due cause, threatening death, or using physical torture is punishable by temporary hard labor. The use of cruelty against persons by relying on one's position is punishable by imprisonment of no more than 1 year or a fine of no more than \$65. Victims may bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases.

Despite these legal safeguards, there were numerous credible reports, including statements by government officials, that security forces tortured and mistreated citizens. Reports of torture and mistreatment at police stations remain frequent. In December Interior Minister Habib al Adly publicly stated that "it is no longer possible to disregard human rights or excuse violations under the pretext of confronting security risks." However, Adly added that "some legitimate extraordinary measures initiated for the public good to address an extraordinary danger should not be described as a human rights violation."

While the Government has investigated torture complaints in criminal cases and punished some offending officers, the punishments are not in line with the seriousness of the offense. However, government officials have stated that administrative punishments can be severe enough to prevent further career advancement, and that some police officers have opted to face criminal charges instead. The Government has stated that it would not disclose further details of individual cases of police abuse for fear of harming the morale of law enforcement officers involved in counterterrorism operations.

Human rights groups believe that the SSIS continues to employ torture. Torture takes place in SSIS offices, including its headquarters in Cairo, and at Central Security Force camps. Torture victims usually are taken to an SSIS office where they are handcuffed, blindfolded, and questioned about their associations, religious beliefs, and political views. Torture is used to extract information, coerce the victims to end their antigovernment activities, and deter others from such activities.

Egyptian human rights groups and victims reported a number of torture methods. Detainees frequently are stripped; hung by their wrists with their feet touching the floor or forced to stand for prolonged periods; doused with hot or cold water; beaten; forced to stand outdoors in cold weather; and subjected to electrical shocks. Some victims, including female detainees, report that they have been threatened with rape.

While the law requires security authorities to keep written records of detained citizens, human rights groups report that such records often are not available, not found, or that the police deny any knowledge of the detainee when inquiries are made about specific cases, effectively blocking the investigation of torture complaints.

On April 9, Waheed Al Sayyid Ahmad Abdallah died as a result of torture during interrogation by police in the village of Belqas in Mansura governorate (see Section 1.a.). On April 30, Mahmoud Fares died as a result of torture while detained at a prison in Port Said (see Section 1.a.). On September 26, Gamal Mohammed Abdallah Mustafa died as a result of torture during an investigation by police in the Cairo suburb of Ma'adi (see Section 1.a.).

The EOHR and other groups reported that the police in the mainly Coptic Christian Al-Kush village in Sohag governorate detained hundreds of citizens, including relatives of suspects, women, and children, in the largely Coptic Christian village of al-Kush in Sohag governorate during the investigation of the double murder of two Copts in August and September. Local observers reported that dozens of these detainees were subjected to torture and mistreatment. It is unclear whether religion was a factor in the officers' actions. There are credible reports that in the course of the interrogations the police disparaged the religion of the detainees. However, most local Christian leaders and human rights activists say the incident was not a case of religious persecution or discrimination. They characterize it as an example of systemic police brutality. However, confusion and suspicion about police motives remain (also see Sections 1.d. and 2.c.).

During the year the Government took action against several policemen charged with torture during

interrogation of detainees. In three separate cases a court found Interior Ministry officials guilty of torture and ordered compensation paid to the victims. In a fourth case, the court acquitted the defendant. An official at the Tora prison complex in Cairo was suspended during an internal investigation following allegations that he and officials under his command beat members of the press syndicate during an August 25 visit. The public prosecution is investigating allegations of the use of torture by police that resulted in the death of a businessman in November 1997 in the governorate of Galoubiya (see Section 1.a.). In December a criminal court directed the public prosecutor to investigate allegations that 13 members of the Alexandria police force tortured Mohammed Badr al Din Gomah during the investigation of a 1996 murder case. Gomah had been convicted of murder and imprisoned because of testimony he provided while subject to torture. In the same decision, the court ordered Gomah's release. In separate but related action, the Interior Minister ordered an internal investigation of these police officers.

Prison conditions remain poor. Government authorities reported the renovation or construction of 14 prisons during the past 5 years. Nonetheless, human rights groups report that overcrowding and unhealthy conditions continue. Cells are poorly ventilated, food is inadequate in quantity and nutritional value, drinking water is often polluted, and medical services are insufficient. These conditions contribute to the spread of disease and epidemics. The use of torture and mistreatment continues to be common.

During the year, the EOHR and the Human Rights Center for the Assistance of Prisoners issued several reports describing the inhuman conditions of 10 prisons, focusing on inadequate medical treatment of hundreds of prisoners. The reports cover conditions in Abu Zaabal Industrial Prison and Leman Abu Zaabal, Al-Wadi Al-Jadid, Wadi Al-Natroun I and II, Damanhour, Fayoum General, Assiyut General, and the prisons of the Tora complex. Human rights groups estimate that at least 11 persons died in prison during the year and attributed these deaths to medical negligence by prison authorities. The names of these persons were Hassouna Gaber Abdel Latef, Magdi Mohammed Abdul Maqoud Afifi, Sa'eed Mohammed Mohammed Al-Meliegi, Abdul Aziz Abdul Wahid Abdalla, Abu Bakr Sa'ad Mahmoud, Hamid Fathi Abdul Aziz, Ali Abdel Nasser, Fathi Ali Orman, Fathi Abdel- Aziz Ibrahim, Sa'eed Eid Mohammed Eid Adam, and Mahmoud Nour Eddine. The human rights groups continued to investigate these deaths. However, The EOHR reported that the Ministry of Health inoculated the inmates of Damanhour prison in May following a prisoner's death from meningitis.

Relatives and lawyers often are unable to obtain access to prisons for visits. Prisons in Abu Zaabal, Tora, and Al Fayoum remain closed to visits. Since 1994 there have been seven court orders directing the Interior Ministry to open these prisons for visits. However, human rights groups report that visits have been refused at several prisons. At others restrictions have been placed on visits to prisoners incarcerated for political or terrorist crimes, limiting the number of visits allowed each prisoner, and the total number of visitors allowed in the prison at any one time.

In principle, human rights monitors are allowed to visit prisoners in their capacity as legal counsel, but in practice they often face considerable bureaucratic obstacles that prevent them from meeting with prisoners. The Government does not permit the International Committee of the Red Cross (ICRC) to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

As part of the Government's antiterrorist campaign, security forces have conducted mass arrests and detained hundreds of individuals without charge. Police also at times arbitrarily detained persons. Under the provisions of the Emergency Law, which has been in effect since 1981, the police may obtain an arrest warrant from the Ministry of Interior upon showing that an individual poses a danger to security and public order. This procedure nullifies the constitutional requirement of obtaining a warrant from a

judge or prosecutor upon showing that an individual likely has committed a specific crime.

The Emergency Law allows authorities to detain an individual without charge. After 30 days, a detainee has the right to demand a court hearing to challenge the legality of the detention order and may resubmit his motion for a hearing at 1-month intervals thereafter. There is no maximum limit to the length of detention if the judge continues to uphold the legality of the detention order, or if the detainee fails to exercise his right to a hearing.

In addition to the Emergency Law, the Penal Code also gives the state wide detention powers. Under the Penal Code, prosecutors must bring charges within 48 hours or release the suspect. However, they may detain a suspect for a maximum of 6 months, pending investigation. Arrests under the Penal Code occur openly and with warrants issued by a district prosecutor or judge. There is a system of bail. The Penal Code contains several provisions to combat extremist violence. These provisions broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

During the year security forces and police arrested 62 persons allegedly associated with the terrorist organizations known as The Islamic Group in Egypt and The Jihad Group in Egypt. Security forces also arrested 24 persons suspected of belonging to the nonviolent, Islamic fundamentalist group Qutbiyyoun. During the year they arrested a total of 75 persons allegedly associated with the Muslim Brotherhood (an Islamist opposition organization). Eight of these persons reportedly were released later. In April state security forces reportedly arrested 30 members, including the leader, of a cult-like Islamic group associated with the Al Tableegh Wal Daa'wa (Withdrawal Movement). In April the Interior Ministry announced that these detainees would be referred to Al Azhar University for reeducation on the correct interpretation of Islam.

Local human rights groups reported that in the course of a murder investigation in August and September, the police detained hundreds of citizens, including relatives of suspects, women, and children, in the largely Coptic Christian village of al-Kush in Sohag governorate. Local observers reported that dozens of these detainees were subjected to torture and mistreatment.

On December 1, a state security prosecutor detained EOHR secretary-general Hafez Abu Se'da and charged him with violating two articles of the Criminal Code. The prosecutor acted in response to allegations that Abu Se'da had received bribes from a foreign country to spread reports of discrimination against Coptic Christians. The charges raised by the state security prosecutor followed publication of an EOHR report critical of police conduct in Sohag (see Sections 1.c., 2.a., and 2.c.). Abu Se'da was released from detention on December 6 after paying bail. However, the charges raised against him have not been dropped.

Human rights groups reported that hundreds, and according to one report, thousands, of persons detained under the Emergency Law have been incarcerated for several years without charge. The courts have ordered the release of several of these detainees, but prison officials reportedly have ignored the orders. The Ministry of Interior frequently reissues detention orders to send detainees back to prison. One such detainee, Abdel Moneim Gamal Eddine, went on a hunger strike in May to protest his detention. He was transferred in June from Al-Wadi Al-Jadid prison in the New Valley to the hospital in the Tora prison complex in Cairo. During the year, the Government released and then rearrested some of the 31 persons convicted in 1995 and given a 3-year sentence for association with the Muslim Brotherhood.

In December the government reported that during the year it had released 5,000 political detainees, whom the government described as "repentant extremists." Human Rights groups reported that the government released an estimated one to three thousand political detainees. The Government also

released an additional 2,300 prisoners who had been convicted of ordinary crimes and were serving sentences. These prisoners were released on October 6 to commemorate the 25th anniversary of the October 1973 Arab-Israeli war. Neither the Government nor human rights groups were able to provide firm figures for the total prison population. However, following the 1998 release, one human rights group estimated that there are 10,000 prisoners who are registered and serving sentences and an additional 13,000 political detainees.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The judiciary is independent; however, cases involving national security or terrorism may be handled by military or State Security Emergency courts, in which constitutional protections may not be observed. The Constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges, and chaired by the President of the Court of Cassation. The Council regulates judicial promotions and transfers. In the last few years, the Government has added lectures on human rights and other social issues to its training courses for prosecutors and judges.

There are three levels of regular criminal courts: Primary courts, appeals courts, and the Court of Cassation, the final stage of criminal appeal. The judicial system is based on the Napoleonic tradition; hence, there are no juries. Misdemeanors that are punishable by imprisonment are heard at the first level by one judge; at the second level by three judges. Felonies that are punishable by imprisonment or execution are heard in criminal court by three judges. Contestations of rulings are heard by the Court of Cassation.

A lawyer is appointed at the court's expense if the defendant does not have one. The appointment of lawyers is based on a roster chosen by the Bar Association; however, expenses are incurred by the state. Any denial of this right is cause for contestation of the ruling. However, detainees in certain high security prisons alleged that they were denied access to counsel or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense. A woman's testimony is equal to that of a man's in court. There is no legal prohibition against a woman serving as a judge, although in practice no women serve as judges (see Section 5).

Defense lawyers generally agree that the regular judiciary respects the rights of the accused and exercises its independence. In the past, criminal court judges have dismissed cases where confessions were obtained by coercion. However, while the judiciary generally is credited with conducting fair trials, under the Emergency Law, cases involving terrorism and national security may be tried in military or State Security Emergency courts, in which the accused do not receive all the constitutional protections of the civilian judicial system.

In 1992 following a rise in extremist violence, the Government began trying cases of persons accused of terrorism and membership in terrorist groups before military tribunals. In 1993 the Supreme Constitutional Court ruled that the President may invoke the Emergency Law to refer any crime to a military court. This use of military and State Security Emergency courts under the Emergency Law has deprived hundreds of civilian defendants of their constitutional right to be tried by an ordinary judge.

The Government defends the use of military courts as necessary in terrorism cases, maintaining that trials in the civilian courts are protracted and that civilian judges and their families are vulnerable to

terrorist threats. Some civilian judges have confirmed their fear of trying high visibility terrorism cases because of possible reprisal. The Government claims that civilian defendants receive fair trials in the military courts and enjoy the same rights as defendants in civilian courts.

However, the military courts do not ensure civilian defendants due process before an independent tribunal. While military judges are lawyers, they are also military officers appointed by the Minister of Defense and subject to military discipline. They are not as independent or as qualified as civilian judges in applying the civilian Penal Code. There is no appellate process for verdicts issued by military courts; instead, verdicts are subject to a review by other military judges and confirmation by the President, who in practice usually delegates the review function to a senior military officer. Defense attorneys have complained that they have not been given sufficient time to prepare defenses and that judges tend to rush cases with many defendants.

During the year, the Government referred 65 civilian defendants to the military courts in the case named after Gamal Abu Rawash, a leader of the Islamic Group. The defendants, including four lawyers who previously had defended members of the Islamic group, were charged with planning in 1995 to kill the President of Cairo University, presidential advisor Osama Al Baz, and the head of the cabinet, Zakariyya Azmy. On February 1, the court acquitted 32 persons, sentenced 2 to death (including Abu Rawash), 1 to life imprisonment, and the remaining 30 to prison sentences varying from 3 to 15 years.

The State Security Emergency courts share jurisdiction with military courts over crimes affecting national security. The President appoints judges to these courts from the civilian judiciary upon the recommendation of the Minister of Justice and, if he chooses to appoint military judges, the Minister of Defense. Sentences are subject to confirmation by the President but cannot be appealed. The President may alter or annul a decision of a State Security Emergency court, including a decision to release a defendant.

During the year, the State Security Emergency courts issued judgments in 5 cases involving 129 defendants who were charged with terrorist acts.

There are no reliable statistics on the numbers of political prisoners, but the total may approach 100; observers estimate that the number of political detainees may be in the thousands (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, homes, correspondence, telephone calls, and other means of communication "shall have their own sanctity, and their secrecy shall be guaranteed." Police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officers who conduct searches without proper warrants are subject to criminal penalties, although these are seldom imposed.

However, the Emergency Law has abridged the constitutional provisions regarding the right to privacy. The Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently place political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screen their correspondence (especially international mail), search them and their homes, and confiscate personal property.

The Ministry of Interior has the authority to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order; it exercises this authority sporadically (also see Section 2.a.). In April the Interior Ministry announced that 30 detainees associated with a cult-

like Islamic group would be referred to Al Azhar University for spiritual "re-education" (see Section 1.d.).

In August and September, during a murder investigation in al-Kush village in Sohag governorate, police detained relatives of suspects, women, and children. Local human rights groups reported that some of these relatives were also subject to torture by the police (see Section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, however, the Government continued to place some limitations on these rights. Citizens openly speak their views on a wide range of political and social issues, including vigorous criticism of the Government.

The Government owns stock in the three largest daily newspapers, and the President appoints their editors-in-chief. However, although these newspapers generally follow the government line, they frequently criticize government policies. The Government also enjoys a monopoly on the printing and distribution of newspapers, including the opposition parties' papers. The Government has been known to use its monopolistic control of newsprint to limit the output of opposition publications. In March the Government withdrew the permission to print at a government printing facility that previously had been granted to the Arabic language weekly newspaper, Al Dustur. Al Dustur, which had operated under a publishing license from Cyprus, lost its government permission to print following publication of articles about religious strife.

Opposition political parties publish their own newspapers but receive a subsidy from the Government and, in some cases, subsidies from foreign interests as well. Most newspapers are weeklies, with the exception of the daily Al Wafd, the daily Al-Ahrar, and Al-Shaab, the semiweekly of the Islamist-oriented Socialist Labor Party. All have small circulations. Opposition newspapers frequently publish criticism of the Government. They also give greater prominence to human rights abuses than the state-run newspapers. All party newspapers are required by law to reflect the platform of their party.

The Press Law, the Publications Law, and the Penal Code govern press issues. The laws stipulate fines or imprisonment for criticism of the President, members of the Government, and foreign heads of state. The Supreme Constitutional Court agreed in November to review the constitutionality of those articles of the Penal Code that specify imprisonment as a penalty for journalists convicted of libel. The Constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. However, there are numerous restrictions on legal entities that seek to establish their own newspapers, including a ceiling of 10 percent on individual ownership. In January the People's Assembly approved a law that requires newspapers managed by joint stock companies to obtain the approval of the Prime Minister prior to publishing. Given government restrictions, a joint stock company is the only feasible incorporation option for publishers. Under this new law, the Government denied a publishing license to two newspapers, including Al Dustur.

Newspapers published outside Egypt may be distributed with government permission. However, the Government imposed a 2-month ban (March 31 to May 20) barring publishing companies located in the free-trade zone from printing more than 30 newspapers and magazines developed for the Egyptian market but licensed by a foreign government. On August 2, an administrative court issued a judgment declaring the ban unlawful.

Libel laws provide protection against malicious rumor-mongering and unsubstantiated reporting. Financial penalties were increased substantially in 1996 when relevant provisions of the Penal Code were revised, but the judicial process remains long and costly, creating a bar to realistic legal recourse for those wrongly defamed. In recent years, opposition party newspapers have, within limits, published articles critical of the President and foreign heads of state without being charged or harassed. The Government continues to charge journalists with libel.

In 1996 the People's Assembly approved a revised Press Law, following criticism of a more restrictive revision that had been approved in 1995. In related legislation, the People's Assembly also revised certain articles in the Penal Code pertaining to libel and slander. In addition, in 1997 the Supreme Constitutional Court declared unconstitutional Article 195 of the Penal Code under which an editor in chief could have been considered criminally responsible for libel contained in any portion of the newspaper. The court ruled that the correct standard of responsibility should be "negligence." This lesser standard subsequently was applied by the courts.

During the year, four journalists convicted of libel under the 1996 Press Law were imprisoned for short periods. However, the Court of Cassation overturned the libel convictions of Magdy Ahmad Hussein and Mohammed Hillal of the newspaper Al Shaab. Hussein and Hillal had been convicted on several counts of libel of former Interior Minister Hassan Alfi and his family. Alfi and Hussein reached an out-of-court settlement, and Alfi agreed to drop the remaining charges against Al Shaab. The Court of Cassation also overturned a lower court libel conviction of Gamal Fahmy, a reporter for the recently defunct Al Dustur. Amr Nassif, a reporter for the weekly newspaper Al Usbua served a 3-month sentence for libel. Both Fahmy and Nassif had published articles critical of a member of the Shura Council. By contrast, two other journalists, Mustafa Bakry and his brother, Mahmoud Bakry, who were convicted in October by a lower court and sentenced to 1 year imprisonment for libel, were permitted by the Public Prosecutor to remain free while they contest the ruling. Because Mustafa Bakry filed a complaint in November with the Public Prosecutor against the EOHR for its critical report on the Sohag incident (see Section 1. c.), many human rights activists are suspicious about the Public Prosecutor's decision to permit the Bakry brothers to remain free.

Government officials filed suit against 10 journalists in 9 cases during the year. In three libel cases filed by the Government in previous years, the courts found the accused guilty and levied fines against them. The Government dropped two previously pending cases.

On occasion, based on authority granted to him by law, the Public Prosecutor may issue a temporary ban on the publication of news pertaining to cases involving national security and order so as to protect the confidentiality of the cases. The length of the ban is based on the length of time required for the prosecution to prepare its case. The Public Prosecutor reportedly banned publication of news related to a strike staged during the summer in Bahariya (see Section 6.b.).

On December 1, a state security prosecutor charged EOHR secretary-general Hafez Abu Se'da with violating Article 102 of the Penal Code, which relates to deliberate dissemination of false information or inflammatory propaganda that harms public security or public interests. The charge was based on an EOHR report critical of police conduct in the Sohag incident (see Sections 1.d. and 2.c.). Abu Se'da was detained and released on December 6. On December 9, a state security prosecutor levied the same charge against EOHR attorney Mustafa Zidane. Zidane, who is the author of the Sohag report, was not detained. The charges filed against both men have not been dropped.

In May the People's Assembly approved a police law that prohibits current or former members of the police from publishing work-related information without prior permission from the Interior Minister. Following approval of the law, the Interior Minister, Habib Al Adly, suspended Brigadier General

Hamdy Al Batran for publishing a novel titled "The Diary of an Officer in the Countryside." Although Batran had published his book in February, he was charged with failing to secure the Minister's approval, making false claims about police conduct, insulting the police, and other offenses. In September a disciplinary board found Batran innocent of all charges except for failing to secure the Minister's permission. The board also lifted his suspension. Both Batran and the Interior Minister are appealing the board's rulings. The book is available on the market and the Government has not attempted to confiscate it.

Various ministries are authorized legally to ban or confiscate books and other works of art, upon obtaining a court order. The Islamic Research Center at Al Azhar University has legal authority to censor, but not to confiscate, all publications dealing with the Koran and Islamic scriptural texts. In recent years the Center has passed judgment on the suitability of nonreligious books and artistic productions.

In January 1995, an administrative court ruled that the sole authority to prohibit publication or distribution of books and other works of art resides with the Ministry of Culture. This decision voided a 1994 advisory opinion by a judiciary council that had expanded Al Azhar's censorship authority to include visual and audio artistic works. The same year, President Mubarak stated that the Government would not allow confiscation of books from the m