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**To**

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**BY EMAIL**

26 January 2016

**RE: Introduction of Complaint in the case of Mr Mohammad Atta (represented by the El Nadim Centre, the Egyptian Initiative for Personal Rights (EIPR) and The Redress Trust (REDRESS)) against Egypt**

Dear Dr Maboreke,

Pursuant to Articles 55 and 56 of the African Charter on Human and Peoples' Rights (the 'African Charter' or 'Charter'), read in conjunction with Rule 93 of the Rules of the Procedure of the African Commission on Human and Peoples' Rights ('African Commission' or 'Commission'), this submission is presented as the introduction of a complaint submitted on behalf of Mr Mohammad Atta by The Redress Trust (REDRESS), the El Nadim Centre and the Egyptian Initiative for Personal Rights (EIPR) (together 'Organisations'). More information on the Organisations can be found further below.

The Organisations respectfully request that the Commission recognise this submission as the initiation of a complaint for the purposes of seizure pursuant to Rule 93 of the Rules of Procedure.

Sincerely,

Carla Ferstman  
Director, REDRESS

Gasser Abdel Razek  
Executive Director, EIPR

Dr Aida Seif Al-Dawla  
Coordinator Director, El Nadim Center for  
Rehabilitation of Victims of Violence

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## I. Conditions for seizure of the complaint pursuant to Rule 93 (2):

1. The complaint is submitted by the Organisations on behalf of Mr Mohammad Atta ('the Complainant'), who is an adult Egyptian citizen residing at 12 Abdel St., Abdin, Cairo, Egypt. Mr Mohammad Atta is the brother of late Essam Ali Atta Ali Shalabi<sup>1</sup> ('Mr Essam Atta') who, as will be set out below, the Complainant submits has been tortured to death in custody by Egyptian authorities.
2. The complaint is filed against the state of Egypt ('Respondent State'), which ratified the African Charter on 20 March 1984. The Organisations do not request the Commission to withhold the Complainant's identity from the Respondent State. As will be outlined further below, the Complainant alleges that the Respondent State is responsible for a range of violations of the African Charter. The Organisations confirm that pursuant to Article 56 (7) of the Charter, they have not submitted this complaint to any other procedure of international investigation or settlement. On 30 January 2012, a request for urgent action in Mr Essam Atta's case was submitted to the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment "concerning the extrajudicial execution of Mr Shalaby who died as a result of torture at the hands of the police at Tora prison, Cairo."<sup>2</sup> The Organisations submit that a request for an urgent action does not fall within the provisions of Article 56 (7) of the African Charter as the mandate holders on their own do not render complaints *res judicata* and are not mechanisms "capable of granting declaratory or compensatory relief to the victims."<sup>3</sup>
3. Furthermore, as is set out below, the Organisations submit that the Complainant exhausted domestic remedies and that no effective and sufficient remedies are available to the Complainant pursuant to Rule 93 (i) of the Rules of Procedure and Article 56 (5) of the Charter. The Organisations submit further that this Complaint has been submitted within a reasonable period of time pursuant to Rule 93 (h) of the Rules of Procedure and Article 56 (6) of the Charter.

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<sup>1</sup> Mr Essam Atta's name is spelt differently in a variety of publications due to divergences in translation from Arabic into English. For the purposes of this complaint, the spelling Essam Atta is used, while the original spelling in publications referred to remains unchanged.

<sup>2</sup> See Alkarama, 'Egypt: Gross negligence and inhumane treatment leads to the death of Essam Ali Atta Shalaby in Tora prison,' 3 November 2011, at <http://en.alkarama.org/egypt/press-releases/898-egypt-gross-negligence-and-inhumane-treatment-leads-to-the-death-of-essam-ali-atta-shalaby-in-tora-prison>; 'Egypt: Essam Atta- Symbol of Security Services' Impunity,' 14 June 2013, at <http://en.alkarama.org/egypt/press-releases/1114-egypt-essam-atta-symbol-of-security-services-impunity>.

<sup>3</sup> See for instance *Sudan Human Rights Organisation & Centre on Housing Rights and Evictions (COHRE) v Sudan*, Communication 279/03-296/05, paras. 104-105.

4. The Organisations set out further below the different alleged violations of the Charter. The submission on admissibility and on the merits of these violations will be complemented once the Commission has been seized of the case.

## II. Summary of the facts of the case<sup>4</sup>

5. Mr Essam Atta was an Egyptian national born on 24 January 1986 who, prior to his arrest in February 2011, worked as a shoemaker. He was single and lived with his family in the Abdeen neighbourhood in Cairo, Egypt.<sup>5</sup>

### II.1. Arbitrary Arrest, trial before military court and imprisonment in Tora Prison

6. Egyptian Military Police arrested Mr Essam Atta on 25 February 2011 at around 3pm for allegedly being involved in a street fight in the Al-Muqattam neighbourhood in Cairo. The arrest was made in the context of ongoing nationwide demonstrations that had led to the resignation of the then President Hosni Mubarak on 11 February 2011. Mr Essam Atta was taken into custody and charged by the military prosecutor with illegally taking over/seizing a housing unit (an apartment) owned by the state and possessing a 'white weapon' (a knife).
7. Mr. Essam Atta appeared before a Military Court in Cairo the next day, 26 February 2011. On the same day, the Court convicted him of "thuggery" and sentenced him to two years imprisonment.<sup>6</sup> He did not have legal representation at any time either

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<sup>4</sup>Once the Commission is seized of the Complaint, the Organisations will provide further detail on the facts and submit further evidence in support of the allegations made. This summary of the facts of the case as outlined below is based on a range of sources and materials, including the following: **interviews and correspondence** with the Complainant, Dr Aida Seif al Dawla; a statement made publicly by the Complainant on 28 October 2011, available at <https://www.youtube.com/watch?v=ExFS6uJ97Rw>; **reports and statements** by international and national organisations, including Human Rights Watch, 'Mubarak Steps Down', 11 February 2011, at <http://www.hrw.org/news/2011/02/11/mubarak-steps-down>; Amnesty International, 'Egypt: Unrestrained army powers threat to human rights,' 19 June 2012, at <https://www.amnesty.org/en/press-releases/2012/06/egypt-unrestrained-army-powers-threat-human-rights>; Egyptian Initiative for Personal Rights, "The Interior Ministry Must Take Full Responsibility for the Death of Essam Atta", 31 October 2011, at: <http://eipr.org/en/pressrelease/2011/10/31/1282>; Association for Freedom of Thought and Expression, "Interrogation with Essam Atta's Brother has Finished", 30 October 2011, at: [http://afteegypt.org/law\\_unit/2011/10/30/431-afteegypt.html](http://afteegypt.org/law_unit/2011/10/30/431-afteegypt.html) (in Arabic); **medical and forensic reports; media articles** on Mr Essam Atta's case, including The Huffington Post, "Essam Atta Death Underlines Torture, Human Rights Abuses By Security Forces, Activists Say", 28 October 2011, at: [http://www.huffingtonpost.com/2011/10/28/essam-atta-death-torture\\_n\\_1063971.html](http://www.huffingtonpost.com/2011/10/28/essam-atta-death-torture_n_1063971.html); Daily News Egypt, "Essam Atta remembered, two years on", 28 October 2013, at: <http://www.dailynewsegypt.com/2013/10/28/essam-atta-remembered-two-years-on/>; Egypt Independent, "For a nation without torture: Essam Atta remembered", 4 November 2012, at: <http://www.egyptindependent.com/news/nation-without-torture-essam-atta-remembered>; Al-Masry Al-Youm, "Issam's Mother to the Prosecutor: Issam Told me about the Torture before his Death", 1 November 2011, at: <http://m.almasryalyoum.com/news/details/122870> (in Arabic); Al-Masry Al-Youm, "Prisoner dies in Al-Manyal College Hospital. His family accuses the prison of torturing him... The Ministry of Interior denies..." 29 October 2011, at: <http://today.almasryalyoum.com/printerfriendly.aspx?ArticleID=315550> (in Arabic); OnTV, 'Interview with Mohammad Atta', 31 October 2012, at: <https://www.youtube.com/watch?v=iUXtuaKHbN4> (in Arabic); Al-Masry Al-Youm, in Arabic: "Administration of Tora Prison denies that Essam died as a result of torture and confirms that he died after swallowing drugs", 28 October 2011, at: <http://www.almasryalyoum.com/news/details/121835>.

<sup>5</sup> See Photo of Mr Essam Atta's identification card, **Annex 1**.

<sup>6</sup> The Complainant has requested the military court to provide him with a copy of the verdict, yet the Court refused to provide him with any document. The crime of "thuggery" is defined as "displaying force or threatening to use force against a victim with the intention to intimidate or cause harm to him or his property"; see on the use of the crime of thuggery to prosecute civilians before military courts, Special Rapporteur on the independence of judges and lawyers, Letter to the government of Egypt, Reference: AL G/SO 214 (3-3-16), 31

following his arrest or before or during the trial. He was not informed about his right to counsel to assist him at trial. Following the trial and conviction, he was taken to the Appeals Prison at the Cairo Security Directorate where he was detained for about three months prior to being transferred to Tora High Security Prison in Cairo. Mr Essam Atta was not informed of his right to appeal the conviction. In the absence of legal assistance to advise him on the possibility of appealing the judgment, he was unable to file an appeal against the judgment.

8. In addition, Mr. Essam Atta did not have access to his family following his arrest. His father and brother only learned about his arrest and conviction three days later, on 28 February 2011, when a prison official at the Appeals Prison informed them that Mr. Essam Atta had been arrested, convicted and sentenced. Subsequently, his family was able to visit him several times.

## II.2. Visit in Tora Prison and subsequent communication regarding torture

9. On Tuesday 25 October 2011, Mr. Essam Atta's mother, Enam Hassan Ragheb and his fiancé who accompanied Mrs Ragheb visited Mr. Essam Atta in Tora Prison in Cairo. They arrived at the prison at approximately 11am and the visit took place at around 12 pm. His mother stated that Mr Essam Atta was in good health when she saw him and that he did not suffer from any illness. She brought him food, clothes and a blanket. During the visit, Mr. Essam Atta had an argument with one of the inmates in the visiting area after asking him to return five Egyptian Pounds that the other prisoner had borrowed from him earlier. Following the argument, that inmate went to the guard supervising the visiting area to tell him something that Mr. Essam Atta and his visitors could not hear. Immediately afterwards, the guard ordered Mrs Ragheb and his fiancé to leave. In total, the visit lasted less than 15 minutes. According to Mrs Ragheb, upon leaving the prison, she heard her son shouting loudly in pain.
10. Later that day, around 6 pm, Mr Essam Atta called his mother. He was crying and very upset and said that an officer called Nour had abused him. The following day, Wednesday, 26 October 2011, at around 11:30pm and again at midnight, Mr. Essam Atta again called his parents and his brother. He sounded exhausted and was crying. He gave a fuller explanation of what had transpired after his mother's visit the day before. He said an officer called Nour Abdel Hamid took him to a room inside the prison where he beat him and accused him of having smuggled drugs into the prison brought to him by his mother and fiancé. When Mr Essam Atta denied of having smuggled anything into the prison, officer Nour then forced him to drink water that he believed to have

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January 2012; see also Human Rights Watch on how the crime of "thuggery" was used to prosecute and convict peaceful protesters in 2011: "Since February 2011, military officers have arrested and military tribunals have wrongfully convicted hundreds of peaceful protesters for alleged "thuggery," only releasing them after months of campaigning on their behalf", in Human Rights Watch, "Exceptions to Ending Emergency Law Invite Abuse", 25 January 2012, at <http://www.hrw.org/news/2012/01/24/egypt-exceptions-ending-emergency-law-invite-abuse>.

contained a mix of laundry detergent, oil and tobacco. According to Mr Essam Atta, officer Nour also ordered another officer to insert his fingers in his anus and then placed a hose with running water in his anus as well as in his mouth to flush out the drugs officer Nour said he smuggled into the prison. Mr Essam Atta told his family that he was bleeding and that he believed he was dying. He asked his family to take action and complain against the officers with the prosecution. However, despite Mr Essam Atta's request, his brother decided not to file a complaint with the authorities, fearing that doing so would expose his brother to further reprisals in prison.<sup>7</sup>

### II.3. Mr Essam Atta's death

11. On Thursday 27 October 2011 at around 2 pm, Mr. Essam Atta's mother received a call from one of his fellow inmates informing her that her son was very sick.<sup>8</sup> She received two more calls from other inmates later that day informing her that Mr Essam Atta was to be transferred to Al-Manyal Hospital in Cairo.<sup>9</sup> When his mother arrived at the hospital, staff informed her that her son had died and that he was in the hospital's morgue. She was not allowed to see her son's body, despite having requested to see it. Mr. Essam Atta's father, his uncle and the Complainant arrived at the hospital shortly after.
12. Prior to leaving for the hospital, the Complainant had informed Dr. Aida Seif El-Dawla of the El Nadim Center for the Rehabilitation of Victims of Violence (El Nadim Center)<sup>10</sup> about his brother's transfer to the hospital. Dr Aida Seif El-Dawla contacted several lawyers and activists through social media to urge them to come to the hospital. Among the lawyers who arrived at the hospital were prominent human rights lawyers, including Advocate Malek Adly. The lawyers insisted on seeing the body, and along with the Complainant and his parents went to the morgue where they eventually were allowed to see his body. The Complainant and Mr Adly testified that blood and water was coming out of Mr Atta's anus, mouth and nose. There was a piece of cloth in his mouth and it looked as if Mr. Essam Atta had been soaked in water.<sup>11</sup>
13. Learning that Mr. Essam Atta had died, the lawyers and activists called on the authorities, particularly the police present in the hospital, to hold those responsible for Mr. Essam Atta's death to account. Police at the hospital then called the prosecution services to come to the hospital. Upon arrival, a prosecutor requested the activists and

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<sup>7</sup> Association for Freedom of Thought and Expression, "*Interrogation with Essam Atta's Brother has Finished*", 30 October 2011, at: [http://afteegypt.org/law\\_unit/2011/10/30/431-afteegypt.html](http://afteegypt.org/law_unit/2011/10/30/431-afteegypt.html) (in Arabic).

<sup>8</sup> Mr Sayed Ahmed Othman was one of the fellow inmates who called Mr Essam Atta's mother, see further below.

<sup>9</sup> Note that the hospital is part of Kasr Al-Aini Medical School and is also referred to as the Kasr Al-Aini or Qasr Alaini Hospital.

<sup>10</sup> For further information on the El Nadim Center for the Rehabilitation of Victims of Violence see <http://alnadeem.org/>.

<sup>11</sup> See photos taken by the Complainant of Mr Essam Atta in the morgue, **Annex 2**; see also TV interview with Mr Malek Adly and Mona Seif, 28 October 2011, at <https://www.youtube.com/watch?v=kTIQis8ifgo> (in Arabic); a video clip taken of Mr Essam Atta in the morgue showing Mr Essam Atta is available at <https://www.youtube.com/watch?v=kQjezvxunEM>, taken by two human rights activists who want to remain anonymous for security reasons.

others, including the Complainant and his mother, to leave the hospital. Only Mr. Essam Atta's father and his uncle remained in the hospital, and the prosecutor pressured them not to demand an autopsy of Mr Essam Atta and to "take your son and bury him." His father, however, insisted that an autopsy be carried out.<sup>12</sup>

14. According to Mr. Sayyed Ahmad Othman, an inmate at Tora Prison detained at the same time as Mr Essam Atta, and who later testified about Mr Essam Atta's torture by officer Nour, Mr. Essam Atta had felt very sick on 27 October and was repeatedly vomiting.<sup>13</sup> The prison doctor gave him an injection at around 2pm to stop the vomiting, yet following the injection, Mr. Essam Atta's condition worsened. At around 3pm his cellmates asked the doctor and the prison warden to arrange for him to be transferred to the hospital but neither the doctor nor the prison warden took any action. According to Mr Othman, Mr. Essam Atta died in the prison shortly before his body was transferred to the hospital, where it arrived at around 6:30pm.<sup>14</sup> Advocate Malek Adly stated that the Old Cairo Police Department had informed him that an officer called Peter Sami Ibrahim Fahmy had transported Mr Essam Atta to the hospital.<sup>15</sup> The medical report prepared by Al-Manyal Hospital confirms that Mr Essam Atta showed the following symptoms when he arrived at the hospital:

- No breathing
- No pulse heard when examined with a stethoscope
- No blood pressure could be measured
- Level 3 coma.<sup>16</sup>

15. Advocate Malek Adly stated further that Dr. Inas al-Qattan,<sup>17</sup> the doctor who received and examined Mr. Essam Atta at Al-Manyal Hospital, had informed him that Mr. Essam Atta's vital functions had already ceased when he arrived at the hospital and that he could not be resuscitated.<sup>18</sup> Advocate Adly asked Dr. Inas if they had conducted any tests to find out the cause of death but she replied negatively saying they didn't have time to do it but that the Forensics Department would take care of it.<sup>19</sup>

16. Mr Adly further inquired if the cause of death could potentially be the result of forcing a running water hose into the victim's anus and mouth as Mr. Essam Atta's family had

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<sup>12</sup> Correspondence with the Complainant.

<sup>13</sup> See unofficial summary translation into English of transcript of Mr Sayyed Ahmad Othman's online testimony, dated 15 April 2012, at: <https://www.youtube.com/watch?v=X7Ni2iYw9Bg> (in Arabic), **Annex 3**.

<sup>14</sup> Ibid; see also Summary in English of Forensic Report 108/2013, referring to the medical report of the National Centre for Clinical and Environmental Toxicology of the Hospital of Cairo University, which states that the "patient arrived to the Centre on Thursday, 27 October 2013 at 6:30pm." According to the report, he was not breathing, did not have any pulse, had blue lips and white foam from the mouth at suction, **Annex 4**; see **Annex 4a** for copy of Arabic Original Forensic Report.

<sup>15</sup> See TV interview with Mr Malek Adly and Mona Seif, 28 October 2011, at <https://www.youtube.com/watch?v=kTIQis8ifgo> (in Arabic).

<sup>16</sup> The medical report by Al-Manyal Hospital on 27 October 2011 is referred to in the Forensic Report No.108/2013, Annex 4 / 4a.

<sup>17</sup> Also spelt as Dr Enas.

<sup>18</sup> See Annex 4/4a.

<sup>19</sup> See TV interview with Mr Malek Adly and Mona Seif, 28 October 2011, at <https://www.youtube.com/watch?v=kTIQis8ifgo> (in Arabic).

reported. Dr. Inas replied saying that only an autopsy could identify the exact cause of death. However, according to Dr. Inas, an autopsy would not be able to show that a water hose was forced into the victim's mouth as the doctors at the hospital had inserted a laryngeal tube in an attempt to resuscitate the victim.

## II.4. Complaint and subsequent investigation

18. On 27 October 2011, the Al Nadeem Center filed a complaint with the prosecution authorities, naming individual prison guards as being responsible for torturing Mr Essam Atta to death.<sup>20</sup>
19. The prosecution opened an investigation the same day (case file number 5537/2011) and requested an initial examination of Mr. Essam Atta's body. Doctors at Al-Manyal hospital carried out the examination on 27 October 2011, reportedly concluding that the cause of death was "severe Hematemesis [vomiting of blood] that caused a sharp drop in the blood circulation and a cardiac arrest due to poisoning of unknown causes."<sup>21</sup>
20. The Ministry of Interior issued a statement the next day, Friday 28 October 2011, stating that Mr. Essam Atta had suffered a state of extreme exhaustion on Thursday 27 October 2011, that he had lost consciousness and that foamy secretions had formed around his mouth and nose. According to the statement, the doctor at Tora Prison had suspected acute drug poisoning, and Mr Essam Atta was immediately transferred to the Department of Toxicology of Al-Manyal Hospital, where he died while receiving first aid.<sup>22</sup> The Ministry's statement also referred to the prison authorities confirming that Mr. Sayyed Ahmad Othman testified he saw Mr. Essam Atta swallowing a drug.
21. However, following his release from prison, Mr. Sayyed Ahmad Othman contacted the El Nadim Centre. He stated that investigators had threatened him not to "mention what really happened."<sup>23</sup> Furthermore, four police investigators and officer Nour were present when the prisoners were asked to testify in the warden's office, and every prisoner interviewed was too afraid to testify in prison and in the presence of prison officers about the treatment inflicted upon Mr Essam Atta. It was only following his release from Tora prison, that Mr Othman felt sufficiently safe to contact the El Nadim Centre to state that Mr Essam Atta told him how Officer Nour Abdel Hamid had beaten Mr. Essam Atta

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<sup>20</sup> The complaint was sent by telegram via phone on the evening of the same day the El Nadim centre received the news of Mr Essam Atta's death. There is no copy available to the El Nadim Centre.

<sup>21</sup> Al-Masry Al-Youm, in Arabic "*Prisoner dies in Am-Manyal College Hospital. His family accuses the prison of torturing him... The Ministry of Interior denies...*" 29 October 2011, at: <http://today.almasryalyoum.com/printerfriendly.aspx?ArticleID=315550> (in Arabic); lawyers of the El Nadim Centre had tried to obtain a copy of the medical report, without success. Mr Essam Atta's family has not obtained a copy of the report despite requesting it.

<sup>22</sup> The Ministry of Interior's statement was included in several newspapers, including here <http://www.youm7.com/story/0000/0/0/-/522375#.vJOSkyBFC1t> and here <http://www.elfagr.org/76128>; reference to the statement is made in a press release by Egyptian Initiative for Personal Rights, "*The Interior Ministry Must Take Full Responsibility for the Death of Essam Atta*", 31 October 2011, at: <http://eipr.org/en/pressrelease/2011/10/31/1282>; see also forensic report 108/2013, Annex 4 (English) / Annex 4a (Arabic), which includes a summary of a testimony by Major Mahmoud Ahmad Al-Deeb.

<sup>23</sup> Annex 3.



on 25 October 2011 and taken him to the 'discipline room' where he had ordered him to strip and to defecate in front of him, accusing him of having smuggled drugs into the prison. According to Mr Othman, when Mr Essam Atta refused, Officer Nour ordered another officer to force the water hose in his anus and mouth. Mr. Sayyed Ahmad Othman further testified that Officer Nour then forced Mr. Essam Atta to drink a bottle of water mixed with laundry detergent (rabso), cooking oil, salt and tobacco, resulting in Mr Atta to vomit.<sup>24</sup>

## II.5. Autopsy

22. On 28 October 2011, Dr Soad Abdul-Ghaffar, the director general of the anatomy department and Dr Amr Mahmoud, carried out an autopsy of Mr. Essam Atta at Zenhom morgue on behalf of the Forensic Medicine Authority of the Ministry of Justice. It was attended by two doctors from "Al-Tahrir Doctors' Association"<sup>25</sup> who were present during the autopsy, yet they simply observed, and did not carry out the autopsy themselves. According to the doctors from the Al-Tahrir Doctors' Association, they could neither deny nor confirm the torture allegations, yet they emphasised that a detailed forensic report was necessary to identify what happened to Mr Essam Atta.<sup>26</sup>
23. Mr Adly stated that he had been waiting the entire time outside the autopsy room while the autopsy was ongoing on 28 October 2011. According to Mr Adly, the two doctors from Al-Tahrir Doctors' Association were not present during the entire autopsy as one of them arrived after the autopsy had started while the other kept going in and out of the room. Mr Adly also said that one of the 'Al-Tahrir' doctors had stated himself to Mr Adly that he was not qualified to observe the autopsy as he was a radiologist, while there were serious concerns about the independence of the other doctor who stated that he was an army officer. Mr Adly also saw a police officer enter the room where the autopsy was carried out. Dr Seif Al-Dawla, who had been contacted by Mr Essam Atta's family to be present during the autopsy, was not allowed inside the morgue while the autopsy was carried out, even though she tried to obtain access so as to observe the autopsy.
24. Dr. Aida Seif Al-Dawla testified to the prosecution that Mr. Essam Atta's father was not allowed to attend the autopsy, and that Mr. Essam Atta's father and the Complainant authorised her to attend the autopsy on the family's behalf. Dr Saif Al-Dawla sought to enter the morgue and observe the autopsy to ensure that it was carried out adequately. However, Dr. Souad Abdul-Ghaffar, who carried out the autopsy on behalf of the Forensic Medicine Authority, prevented her and Mr Essam Atta's father from entering

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<sup>24</sup> See Annex 3.

<sup>25</sup> Al-Tahrir Doctors' Association is a non-governmental medical organisation that was established by the doctors of "Al-Tahrir Square Field Hospital." The association aims to provide urgent medical assistance and raise medical, political and cultural awareness in collaboration with other organisations.

<sup>26</sup> See Press Statement by Al-Tahrir Doctor's Association', 31 October 2011, at: <https://www.youtube.com/watch?v=XQZ-Z-XT4w0> (in Arabic); see also: Ahram Online, "Doctors argue over the autopsy of Egypt's latest torture victim", 29 October 2011, at: <http://english.ahram.org.eg/NewsContent/1/64/25420/Egypt/Politics-/Doctors-argue-over-the-autopsy-of-Egypt's-latest-to.aspx>.

the morgue while the autopsy was ongoing, without giving any reason for doing so. It was only once the autopsy was over that she, along with Mr. Essam Atta's uncle were allowed into the morgue. She said that a doctor who she identified as Dr Amr Mahmoud from the Forensic Medicine Authority tried to prevent her from entering and shouted and cursed at her. Dr Seif Al-Dawla was eventually able to enter the morgue and the room where the autopsy had been carried out. According to Dr Seif Al-Dawla, Mr Essam Atta's organs were displayed on a shelf and no measures were taken to adequately cover and preserve the organs. Dr Souad Abdul-Ghaffar highlighted that the autopsy did not find that Mr Essam Atta had suffered from internal bleeding, though she indicated to Dr Seif Al-Dawla that a sample analysis was necessary to examine whether there had been any internal bleeding. She also showed Dr Seif Al-Dawla a "roll" of about 5-6 cm, which she said they had extracted from Mr Atta's body.

25. Mr Essam Atta's family did not receive the autopsy report until 2 February 2012, more than three months after the autopsy was carried out. The report, dated 25 December 2011 stated that the autopsy did not find any marks around the mouth or the anus. The report indicated that inside Mr. Essam Atta's stomach, a capsule shaped object covered with the finger of a latex glove of approximately 1.5-2cm width and 5 cm length was found. According to the report, the latex covering decomposed due to the digestive fluids in the stomach causing a leak of its contents. The contents were a black substance which the laboratory later identified as cannabis as well as a dozen of red liquidated capsules which were later revealed to be Tramadol pills.<sup>27</sup> The report indicated that the medicine and the cannabis had leaked from the object and were absorbed by the stomach in large quantities. The report further indicated that the medication caused nausea which resulted in severe vomiting and that the vomit was red from the dissolved red Tramadol pills.<sup>28</sup> The autopsy concludes that the "death occurred as a result of a cardiovascular and respiratory arrest caused by the intake of a large dose of the drugs Tramadol and cannabis. Accordingly, there is no suspicion of criminal death."<sup>29</sup>

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<sup>27</sup> According to the World Health Organisation, Tramadol is a centrally acting analgesic with a potency of about one tenth that of morphine. It is used to treat both acute and chronic pain of moderate to (moderately) severe intensity, see World Health Organisation, 'Tramadol- Update Review Report, Agenda item 6.1', Expert Committee on Drug Dependence, 36<sup>th</sup> Meeting, 16-20 June 2014, at [http://www.who.int/medicines/areas/quality\\_safety/6\\_1\\_Update.pdf](http://www.who.int/medicines/areas/quality_safety/6_1_Update.pdf).

<sup>28</sup> See English Summary of Autopsy Report No. 945.2011, **Annex 5**; see Arabic original of Autopsy Report No. 945.2011 (first page missing), **Annex 5a**.

<sup>29</sup> Ibid.

## II.6. Suspension of investigation and independent expert opinion

26. On 17 April 2012, the prosecution put the investigation on hold for lack of evidence to support the torture allegations.

27. In July 2012, the El Nadim Centre filed a request with the prosecution to re-activate the investigation.<sup>30</sup> The request was based on a new testimony by Sayed Ahmed Othman following his release from Tora prison and on an independent forensic expert report dated June 2012 prepared by Dr Ibrahim Mohammad Saleem, former Head of the Forensic Department at the request of the El Nadim Centre. Following Dr Saleem's review of the forensic medical report of February 2012, he concluded that the cause of death could not have been drug intoxication as stated in the autopsy report for the following reasons:

- i. The autopsy report No 945/2011 stated that 10 pills found in the bag were not dissolved. As a result, contrary to what was indicated in the report, Mr Essam Atta's body could not have been affected by them.
- ii. The amount of narcotic substance allegedly found in the body as per the forensic report (approximately 0.37 milligrams of Tramadol per litre and traces of 'tetra hydro cannbinol (*hashish*) is not sufficient to result in such a loss of blood pressure so as to cause death.
- iii. The latex glove, which, according to the forensic report, was 5cm long and 1.5cm thick, could not have decomposed in a period of approximately 34 hours, from 25 October at approximately 2pm when Mr Essam Atta was visited by his mother, and 26 October at approximately 11.30pm when Mr Essam Atta called his parents saying that he thought he was dying.<sup>31</sup>

28. Accordingly, Dr Saleem concluded that the autopsy report No.945/2011 was contradictory and that, based on the report's own alleged findings, Mr Essam Atta could not have died as a result of "a sharp drop in the blood circulation and breathing" caused by drug poisoning.

29. The Public Prosecutor re-activated the investigation in September 2012 on the basis of Dr Saleem's report and established an official committee from the Forensic Medicine Authority to examine the new evidence.<sup>32</sup> The committee included three doctors: Dr Emad El-Deeb, Dr Ayman Kamal El din and Dr Maged Hammam. As all three were

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<sup>30</sup>See El Nadim, Request to re-open the case submitted to Prosecutor General, unofficial translation into English, **Annex 6; Annex 6a**, Arabic original.

<sup>31</sup> See Independent Forensic Opinion by Doctor Ibrahim Mohammad Saleem, June 2012, **Annex 7 (Arabic)**.

<sup>32</sup>Confirmation of Receipt of Complaint by Public Prosecutor, **Annex 8**.

colleagues of the first examiners, and were employed by the same government agency, there were serious concerns raised with the Prosecution services by the El-Nadim Centre and the Complainant about their independence and the impartiality of the committee. The prosecution services rejected the Complainant's objections to the composition of the Committee. The Committee issued a report in which it confirmed the earlier findings as reflected in forensic report No 945/2011. The prosecution then again 'suspended' the case on 10 June 2013.<sup>33</sup>

## II.7. Failure to respond to further complaints

30. The Arab Penal Reform Organisation (APRO) filed a complaint on 28 October 2013 requesting the Prosecutor General Hesham Barakat to re-activate the investigation into Mr. Essam Atta's case.<sup>34</sup> The complaint included new evidence, such as two testimonies of fellow detainees who had testified that prison guards had tortured and ill-treated Mr. Essam Atta. It also referred to an interview of Dr. Ehsan Kameel, the head of the Forensic Medicine Department. Dr Kameel claimed that Mr. Essam Atta's brother, Mohammad Atta, had been able to attend the autopsy and that Mohammad himself took the bag of drugs out of his brother's stomach, and that four (rather than two) doctors from the Al Tahrir Association were present throughout the autopsy. Dr. Kameel further stated that Mr. Essam Atta's mother brought him the drugs in a chicken that she brought to him when she visited him two hours before his death.<sup>35</sup>
31. According to APRO, Dr Ehsan Kameel's interview undermined his and generally the Forensic Medicine Department's credibility: Mr Mohammed Atta had not been able to attend the autopsy and therefore never took anything out of his brother's stomach. In addition, his mother never brought a chicken to Mr Essam Atta in prison, which is also confirmed by her testimony to the prosecutor.<sup>36</sup> The two witness testimonies confirmed that Mr Essam Atta had been tortured. APRO requested that this evidence be properly investigated.<sup>37</sup> Neither APRO, nor Mr Mohammed Atta as the Complainant ever received any official correspondence from the Prosecution's Office regarding whether an investigation had been re-opened into the case and/ or the progress of the investigation into the complaint filed.
32. Following the alleged inaction of the public prosecutor's office, on 11 March 2015, Mr Mohammed Atta, with the support of EIPR, filed a new complaint with the Prosecutor

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<sup>33</sup> Daily News Egypt, "Essam Atta case reopened", 10 September 2012, at: <http://www.dailynewsegypt.com/2012/09/10/essam-atta-case-reopened/> and Daily News Egypt, "Essam Atta remembered, two years on", 28 October 2013, at: <http://www.dailynewsegypt.com/2013/10/28/essam-atta-remembered-two-years-on/>.

<sup>34</sup> Arab Penal Reform Organisation, Request to reopen the investigation into Mr Essam Atta's case, submitted on 28 October 2013, **Annex 9 (in Arabic)**; see also: Daily News Egypt, "Essam Atta remembered, two years on", 28 October 2013, at: <http://www.dailynewsegypt.com/2013/10/28/essam-atta-remembered-two-years-on/>.

<sup>35</sup> Annex 9.

<sup>36</sup> Ibid.

<sup>37</sup> Daily News Egypt, "Essam Atta remembered, two years on", 28 October 2013, at: <http://www.dailynewsegypt.com/2013/10/28/essam-atta-remembered-two-years-on/>.

General [Complaint number 4643), arguing that his brother died as a result of the prison authorities' treatment and the failure of medical staff at Tora prison to afford his brother necessary medical assistance. Upon his inquiry into the matter, in April 2015, Mr Mohammad Atta was informed that the "complaint was referred to the Appeal prosecution, requesting the Masr-el Qadima Prosecution for an information memorandum about the case."<sup>38</sup> The Appeal prosecution then informed Mr Mohammad Atta on 16 April 2015 that the complaint had been "suspended" on 14 April 2015. Mr Atta and his lawyer unsuccessfully sought to obtain official written confirmation of the "suspension" of the investigation into the complaint or, alternatively, confirmation of the reasons for said "suspension". Their request for information about how the "suspension" could be lifted was denied.<sup>39</sup>

### **III. Exhaustion of domestic remedies**

33. The Organisations respectfully submit that the Complainant made all possible attempts to exhaust domestic remedies, on numerous occasions and that there are no effective and sufficient remedies available to the Complainant in the Respondent State pursuant to Rule 93 (I) of the Rules of Procedures and Article 56 (5) of the Charter.

#### **III.1. Investigation was not impartial, thorough and effective**

34. The Complainant took all possible steps to pursue domestic remedies, despite the fact that these turned out to be partial, weak and ineffective, and incapable of arriving at the truth of what happened and of determining the accountability of those responsible. With the assistance of human rights organisations, he filed several complaints regarding his brother's death in custody with the prosecution authorities, on 27 October 2011, July 2012, October 2013 and March 2015. The Respondent State had ample opportunity to provide him and his family with an effective remedy. There are no further remedies that the Complainant may pursue in the Respondent State. The Organisations submit, and will outline in more detail at a later stage in the proceedings, that the prosecution's investigation into the circumstances leading to Mr Atta's death in custody was not thorough, impartial or effective. The investigation therefore did not constitute an effective remedy for the purposes of Article 56 (5) of the Charter.

35. According to the Commission's well-established jurisprudence, the exhaustion of domestic remedies is not required where it is clear that effective and sufficient remedies are not available. A remedy is available when it is accessible without impediment, effective where it offers a prospect of success and it is found sufficient when it is capable

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<sup>38</sup> Correspondence with the Complainant.

<sup>39</sup> Ibid.

of redressing the complainant.<sup>40</sup> The Commission has similarly emphasised that the prompt and thorough investigation and prosecution of those responsible for violations of the African Charter, including violations as alleged in the present case such as Articles 4 and 5, form part and parcel of an effective remedy.<sup>41</sup>

36. Where there are allegations suggesting an unnatural death such as in the present case, authorities are obliged to carry out a prompt, thorough and impartial investigation so as to “determine the cause, manner and time of death, the person responsible and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses.”<sup>42</sup> Where the family of the victim raises concerns about inadequate investigations, an independent commission of inquiry or similar procedure should be established, with members of the commission being chosen for “their recognized impartiality, competence and independence as individuals. They shall be independent of any institution, agency or person that may be the subject of the inquiry.”<sup>43</sup>
37. National authorities must comply with similar criteria when investigating allegations of torture, as set out for instance in the ‘Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’ (“Istanbul Protocol”). In direct reference to the Istanbul Protocol, the African Commission’s ‘Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa’ (Robben Island Guidelines) similarly stipulate that “[I]nvestigations into all allegations of torture or ill-treatment shall be conducted promptly, impartially and effectively.”<sup>44</sup>
38. These standards are also common in the jurisprudence of the African Commission and other human rights bodies. The European Court of Human Rights (ECtHR) for instance has held that for an investigation to be effective, “the persons responsible for and carrying out the investigation must be independent and impartial.”<sup>45</sup> According to that Court, “the fact that an investigation was under the control of the very persons whom

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<sup>40</sup> African Commission, *Dawda Jawara v. The Gambia*, Communication Nos. 147/95 and 149/96, para. 32.

<sup>41</sup> African Commission, *Malawi African Association and Others v. Mauritania*, Communications.54/91, 61/91, 98/93, 164/97, 196/97, 210/98, para.142; in this case, the African Commission instructed Mauritania to launch an independent inquiry in order to clarify the fates of disappeared and to “identify and bring to book the authors of the violations perpetrated;” see also *Amnesty International and Others v. Sudan*, Communications 48/90, 50/91, 52/91, 89/93, para.51; *Zimbabwe Human Rights NGO Forum v. Zimbabwe*, Communication 245/02, paras.58-70; see also Office of the High Commissioner for Human Rights (OHCHR), Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”), 2004, HR/P/PT/8/Rev.1, Para. 74.

<sup>42</sup> UN Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, Resolution 1989/65, 24 May 1989, Principle 9.

<sup>43</sup> *Ibid*, principle 11.

<sup>44</sup> Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa, para. 19, at <http://www.achpr.org/instruments/robben-island-guidelines-2008/>.

<sup>45</sup> European Court of Human Rights (ECtHR), *Kolevi v Bulgaria*, application no. 1108/02, Judgment (Merits and Just Satisfaction), 5 November 2009, para.193.

the victim and his relatives had accused and the fact that it failed to follow one of the possible lines of inquiry which clearly appeared to be relevant, undermined decisively its effectiveness.”<sup>46</sup> The impartiality of an investigation is called into question where public statements by senior authorities “prejudge the assessment of the facts by the competent authorities.”<sup>47</sup> For an investigation to be thorough, the authorities in charge “must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis for their decisions.”<sup>48</sup>

39. In the present case, the authorities’ investigation prior to February 2011 and June 2013 respectively into the death of Mr Essam Atta were inadequate as they were not impartial, thorough and effective. Instead, the authorities’ reaction immediately after Mr Atta’s death and their approach during the investigations show the Respondent State’s attempts to evade responsibility for the treatment inflicted upon Mr Essam Atta and that ultimately led to his death.
40. The prosecution authorities met with Mr Atta’s parents at the hospital on 27 October 2011 shortly after they had learned about their son’s death. The prosecution immediately tried to pressure the family not to demand an autopsy. When Mr Atta’s father and uncle insisted on an autopsy being carried out, the authorities proceeded to disseminate different and inconsistent versions of the cause of death prior to the conclusion of the autopsy. Rather than waiting for the conclusion of the autopsy report, the Ministry of Interior on 28 October 2011 for instance issued a public statement referring to the Tora prison doctor’s suspicion of ‘acute drug poisoning’ and, in reference to the Al-Manyal Hospital’s report of 27 October 2011, the Ministry stated that Mr Essam Atta’s “death was due to acute vomiting of blood which led to a decline in blood circulation and failure of the heart muscle, as a result of unknown poison.”<sup>49</sup> Already prior to the publication of the autopsy report, government officials were quoted as having stated that Mr Atta had taken drugs and was suffering from exhaustion, leading to heart failure.<sup>50</sup>
41. The Organisations submit that these statements by senior government officials made within two days of Mr Essam Atta’s death indicated the direction of the prosecution’s investigation. At a minimum, these statements prejudged the prosecution’s assessment of the facts, thereby seriously undermining the prosecutor’s impartiality. This is further confirmed by the prosecution’s failure to investigate the inconsistencies between the different accounts as to the circumstances of Mr Essam Atta’s death and its failure to

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<sup>46</sup>Ibid, para. 212.

<sup>47</sup>ECtHR, *Alenet de Ribemont v France*, Application no.15175/89, Judgment of 10 February 1995, para.41.

<sup>48</sup>ECtHR, *Jasar v The Former Yugoslav Republic of Macedonia*, ECtHR, Judgment of 15 February 2007, para.55.

<sup>49</sup> See above, para.19.

<sup>50</sup> See for instance Al Jazeera, ‘Egypt prison guards accused of torture death’, 29 October 2011, at <http://www.aljazeera.com/news/middleeast/2011/10/2011102911326932794.html>.

thoroughly investigate the allegations of torture as the cause of Mr Essam Atta's death. Mr Othman stated how police officers took statements in prison and in the presence of Officer Nour, threatening prisoners not to testify about the torture inflicted upon Mr Essam Atta.<sup>51</sup> According to the Complainant, the prosecutor told him that he "had a forensic medical report telling me that your brother died of drugs" and that there was therefore no need for any further investigation.

### **III.2. Autopsy of Mr Essam Atta did not comply with international standards**

42. In cases of suspicious deaths such as in the present case, an autopsy should be conducted by an expert in forensic pathology so as to establish the circumstances and causes of such deaths. Importantly, "in order to ensure objective results, those conducting the autopsy must be able to function impartially and independently of any potentially implicated persons or organizations or entities."<sup>52</sup> The family of the deceased "shall have the right to insist that a medical or other qualified representative be present at the autopsy."<sup>53</sup>
43. The autopsy carried out by Dr Soad Abdul Ghafar and Dr Yousef Hamed on behalf of the Forensic Medicine Authority did not commit to these international standards. Both, Dr Soad Ghafar and Dr Yousef prevented Mr Essam Atta's family and their appointed representative, Dr Seif Al-Dawla, from entering the morgue to observe the autopsy. Dr Seif Al-Dawla could only enter the morgue once the autopsy had concluded. The Forensic Medicine Authority's insistence on avoiding independent oversight of the autopsy procedure raises serious concerns regarding the objectivity of its findings. These concerns are aggravated by the fact that a senior police officer was present during the autopsy.<sup>54</sup> The Authority's delay in providing Mr Essam Atta's family with the autopsy report for more than three months, led to a request for the establishment of a committee of experts in forensic medicine to prepare an autopsy report. This request was ignored, the family's concerns notwithstanding.
44. Dr Saleem's independent expert report highlights the contradictions in the autopsy report and raises additional concerns as to the veracity of the official autopsy report.
45. Given the contradictions as to the cause of Mr Essam Atta's death, the fact that no independent oversight was allowed during the autopsy, and that the autopsy was carried out contrary to international standards, the Organisations submit that the authorities failed in their obligation to identify the circumstances and causes of Mr Essam Atta's death.

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<sup>51</sup> See Annex 3.

<sup>52</sup> UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, principle 14.

<sup>53</sup> Ibid, principle 16; see also International Committee of the Red Cross, "Guidelines for Investigating Deaths in Custody", 2013, P. 14..

<sup>54</sup> Annex 5/ 5a.



### **III.3. Conclusion regarding the autopsy and the prosecution services' investigation**

18. The Organisations therefore submit that rather than investigating the complaints submitted to it in an effort to establish the circumstances of Mr Essam Atta's death and identify the person responsible, the authorities' investigation and autopsy did not meet international standards, and therefore did not remedy the violations. Instead, the investigation was characterized from beginning to end by efforts which gave the appearance of simply confirming the government's version of events which is that Mr Atta had died as a result of drug poisoning.

### **III.4. There is no further remedy available to the Complainant**

19. The prosecution authorities' decision not to continue the investigation into the circumstances of Mr Essam's death leaves the Complainant with no further remedy to exhaust. The Commission has considered in another case against the Respondent State, where the prosecution authorities similarly decided to order the stop an investigation into allegations of torture and other violations, that "victims were left with no other remedy because the inquiry procedures have been stopped."<sup>55</sup>

### **III.5. Conclusion regarding the exhaustion of domestic remedies**

20. The Complainant has, on several occasions, sought to exhaust domestic remedies in the Respondent State. However, the variety of remedies the Complainant sought with good faith to exhaust turned out to be partial, ineffective and inadequate. Nonetheless, there is no further remedy available to him in the Respondent State. The Complainant therefore submits that he fully exhausted domestic remedies in the Respondent State.

## **IV. The Complaint is submitted within a reasonable time in accordance with Article 56 (6) of the Charter and Rule 93 (2) (h) of the Commission's Rules of Procedure**

21. The Organisations submit that this complaint is brought within a reasonable time as stipulated in Article 56 (6) of the Charter and Rule 93 (2) (h).

22. Since the Charter does not provide for what "constitutes a reasonable period of time", the Commission "treats each case on its own merits".<sup>56</sup> Cases where remedies were exhausted are treated differently than cases where remedies are found to be unavailable, ineffective or insufficient, as in the present case. In such cases, the

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<sup>55</sup>African Commission, *Egyptian Initiative for Personal Rights & Interights v Egypt*, Communication 323/06, para.65.

<sup>56</sup>African Commission, *Darfur Relief and Documentation Centre v Sudan*, Communication 310/05, para.75.

Commission estimates the timeliness of a communication “from the date of the complainant’s notice thereof”,<sup>57</sup> taking into account the circumstances of the case,<sup>58</sup> including for instance a complainant’s security situation forcing a complainant to flee his or her country of origin and settle elsewhere;<sup>59</sup> the complexities of getting a representation before an international body;<sup>60</sup> and the challenges of communications system in Africa.<sup>61</sup>

23. In the present case, the Complainant, with the support of human rights organisations in the Respondent State, has undertaken numerous attempts to exhaust domestic remedies before coming to the conclusion that domestic remedies are not available. The Organisations therefore submit that the Complainant’s case must be distinguished from cases where no efforts were made to exhaust domestic remedies even though such remedies were available or from cases where a domestic court has made a final decision. The authorities in the present case at no point provided the Complainant or his lawyers with a written decision indicating that they would not carry out an investigation. Instead, investigations were ‘suspended’, continuously leaving the Complainant hoping that at some point the authorities would investigate. However, the authorities failed to respond to the Complainant in regard to the complaint filed by ARPO in October 2013. In a final effort to exhaust domestic remedies, the Complainant submitted further evidence to the authorities in April 2015, only to be again informed orally that the investigation was suspended. The Complainant then decided that the African Commission was the only possible venue to obtain a remedy. Taking further into account the politically unstable and insecure situation in the Respondent State over the past three years in particular, as well as the complexity of the present case, including the consideration of a multitude of medical and forensic reports, the need for translation, the Organisations submit that this complaint was submitted within a reasonable period of time in line with Article 56 (6) of the Charter and Rule 93 (2) of the Rules of Procedure.

## V. Alleged violations of the African Charter

24. The Organisations submit that the Respondent State’s officials subjected Mr Atta to treatment amounting to torture in violation of Articles 5 and 16 of the Charter, resulting in Mr Atta’s death in violation of Article 4. The authorities’ failure to adequately investigate the circumstances of Mr Essam Atta’s death, and the additional failures to keep the Complainant and other members of Mr Essam Atta’s family informed about the

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<sup>57</sup>African Commission, *Tsikata v Ghana*, Communication 322/2006, para.37.

<sup>58</sup>African Commission, *Darfur Relief and Documentation Centre v Sudan*, Communication 310/2005, para.75; *Gabriel Shumba v Zimbabwe*, Communication 288/04, para.44; *Socio Economic Rights and Accountability Project v Nigeria*, Communication 300/05, para.42.

<sup>59</sup> African Commission, *Safia Ishaq Mohammed Issa (represented by The Redress Trust and the African Centre for Justice and Peace Studies) v Sudan*, Communication 443/13, para.67.

<sup>60</sup>See for instance *Egyptian Initiative for Personal Rights and Interights v Egypt*, Communication 334/06, para. 99, where the Commission considered that a complaint submitted to the Commission 10 months after the final decision at domestic level fell within the reasonable time period stipulated by Article 56 (6).

<sup>61</sup> *Ibid.*

progress of the investigation and to withhold access to key information about the causes of his death constitute additional violations by the Respondent State. The Organisations submit further that the authorities failed to provide Mr Essam Atta his procedural rights upon arrest (access to a lawyer; access to family members; adequate information and time and facilities to prepare a defence) and denied Mr Essam Atta a fair trial contrary to Articles 7 and 26 of the Charter. Failing to afford Mr Essam Atta and his family with their rights enshrined in the Charter also amounted to a violation of Article 1 of the Charter.

25. The alleged violations will be briefly outlined further below for the purposes of seizure of this Complaint. The Organisations will analyse the different violations in more detail once the Commission has made a finding on the admissibility of the communication.

## **V.1. Violation of Article 4 of the Charter: Right to Life (arbitrary deprivation of life)**

26. The Organisations submit that the Respondent State is responsible for Mr Atta's death in custody in violation of Article 4 of the African Charter.

27. The Commission has confirmed that the right to life "constitutes a norm of customary international law and is one of the central rights recognized in international human rights treaties."<sup>62</sup> Indeed, according to the Commission, "the right to life is the fulcrum of all other rights, it is the fountain through which all other rights flow and any violation of this right without due process amounts to arbitrary deprivation of life."<sup>63</sup>

28. In examining whether there has been a violation of the Charter, the African Commission draws "inspiration from international law on human and peoples' rights" and "instruments adopted by the United Nations and by African countries."<sup>64</sup> The Commission for instance takes into account the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, considering that "[T]hese Principles are relevant in determining the scope of what constitutes unlawful deprivations of life."<sup>65</sup> The Principles expressly refer to the absolute prohibition of extra-legal, arbitrary and summary executions also in "situations in which deaths occur in custody"<sup>66</sup> and require States to ensure "strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment."<sup>67</sup> Other human rights bodies have similarly emphasised

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<sup>62</sup> African Commission, *Noah Kazingachire et al (represented by Zimbabwe Human Rights NGO Forum) v Zimbabwe*, Communication 295/04, para.136.

<sup>63</sup> African Commission, *Forum of Conscience v Sierra Leone*, Communication 223/98, para.19.

<sup>64</sup> Article 60 African Charter.

<sup>65</sup> African Commission, *Noah Kazingachire et al (represented by Zimbabwe Human Rights NGO Forum) v Zimbabwe*, Communication 295/04, para.96.

<sup>66</sup> UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, principle 1.

<sup>67</sup> *Ibid*, principle 2.

that the obligation to respect the right to life is particularly important for those in custody as “they are in a vulnerable position and the authorities are under a duty to protect them.”<sup>68</sup> Article 4 of the Charter therefore places an obligation upon States to both respect and to ensure the right to life, and this obligation is particularly relevant where persons are detained in custody or imprisonment. In cases where individuals were tortured to “the point of death” while in detention, the Commission has held that this showed a “shocking lack of respect for life and constitutes a violation of Article 4.”<sup>69</sup>

29. In the present case, the Respondent State failed in its obligation to respect and ensure the right to life of Mr Essam Atta while he was imprisoned in Tora prison. As outlined above (see Summary of Facts), on 25 October 2011, a prison officer called Nour Abdel Hamid forced Mr Atta to drink a mix of what was believed to be laundry detergent, oil and tobacco and instructed another officer to place a water hose in Mr Atta’s anus and his mouth, accusing Mr Atta of having smuggled drugs in his body.<sup>70</sup> As a result, Mr Essam Atta fell sick and on 27 October 2011 was repeatedly vomiting. The prison authorities then failed to ensure that Mr Atta received adequate medical attention.<sup>71</sup> Despite Mr Atta’s worsening condition, Dr Inas al-Qattan of the Al-Manyal Hospital confirmed that Mr Essam Atta was only transferred to Al-Manyal Hospital when he had already stopped breathing, and upon arrival at the hospital at around 6:30pm, he could not be resuscitated.<sup>72</sup>
30. This is supported by ample evidence, as will be set out in further detail in the submission on the merits of the case, including video evidence of Mr Essam Atta’s body in the morgue, witness testimonies, the report of Al-Manyal Hospital and the findings of the independent forensic expert in relation to the official autopsy report.
31. It is the Commission’s and other human rights bodies’ established jurisprudence that “where the events in issue lie wholly, or in large part, within the exclusive knowledge of the authorities, as in the case of persons within their control in custody, strong presumptions of fact will arise in respect of injuries and death occurring during the detention. Indeed, the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation.”<sup>73</sup> The Organisations submit that the Respondent State’s authorities failed to provide such an explanation for Mr Atta’s death in custody, giving rise to the strong presumption that prison officers, including officer Nour, tortured Mr Essam Atta in Tora Prison and failed to provide him and /or to assure

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<sup>68</sup> ECtHR, *Majsiejew v Poland*, application no. 11818/02, Judgment, 24 March 2009, para.51.

<sup>69</sup> African Commission, *Malawi African Association and others v Mauritania*, Communications 54/91-61/91-96/93-98/93-164/97\_196/97-210/98, para.120.

<sup>70</sup> See above, Section II.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> See for instance ECtHR, *Salman v Turkey*, application no. 21986/93, Judgment of 27 June 2000, para.100.

that he was able to receive adequate medical assistance resulting in his death, in violation of Article 4.

## V.2 Violation of Article 5: Prohibition of torture and cruel, inhuman and degrading treatment

32. The Organisations submit that the prison officials' treatment of Mr Atta in Tora Prison constituted torture and ill-treatment in violation of Article 5 of the Charter.

33. The Commission, in interpreting Article 5 of the Charter, has referred to Article 1 of the UN Convention against Torture and Other, Cruel, Inhuman or Degrading Treatment or Punishment,<sup>74</sup> which defines torture as:

[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.<sup>75</sup>

34. The Commission has also drawn on the jurisprudence of the European Court of Human Rights (ECtHR) on Article 3 of the European Convention on Human Rights (prohibition of torture). For example in *Huri Laws v. Nigeria*, the Commission referred to the ECtHR's definition of torture in *Ireland v. United Kingdom*, which defines torture as "deliberate inhuman treatment causing very serious and cruel suffering".<sup>76</sup>

35. The vulnerability of the victim as well as the environment and totality of the cumulative circumstances should be taken into account to determine whether a case amounts to torture.<sup>77</sup> Specifically in the context of detention and in cases where "an individual is taken into police custody in good health but found to be injured on release, it is incumbent upon the State to provide a plausible explanation."<sup>78</sup>

36. Mr Essam Atta was a healthy, 23-year old man. When his mother and his fiancé visited him on 25 October 2011 at 2pm, he was in good health. He was dead two days later.

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<sup>74</sup> UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/39/46, 10 December 1984, available at: <http://www.un.org/documents/ga/res/39/a39r046.htm>.

<sup>75</sup> Ibid, Article 1.

<sup>76</sup> African Commission, *Huri Laws v Nigeria*, Communication No. 225/98, para. 41.

<sup>77</sup> African Commission, *Gabriel Shumba v Zimbabwe*, Communication 288/04, para.139.

<sup>78</sup> ECtHR, *Aksoy v Turkey*, Communication 21987/93, 26 November 1996.

Fellow prison inmates stated that following his mother's and fiancé's visit, prison officials in Tora prison had subjected Mr Atta to beatings and forced him to drink what they believed was a mix of laundry detergent, oil and tobacco.<sup>79</sup> At the orders of Officer Nour Abdel Hamid, an officer forcefully placed his fingers in Mr Atta's anus and forced a hose with running water into it and into his mouth.<sup>80</sup> Mr Essam Atta himself spoke to his family about this ordeal on 26 October, stating that he was suffering and believed he was dying.<sup>81</sup>

37. The treatment, singly and in combination, resulted in the deliberate infliction of severe pain and suffering, ultimately leading to Mr Essam Atta's death. Officer Nour and other, unidentified officers at Tora prison inflicted this treatment upon Mr Atta so as to forcing him to confess that he had smuggled drugs into prison.

38. Furthermore, the Organisations submit, and will outline in detail when submitting on the merits of this case, that the insertion of a tube into Mr Essam Atta's anus constituted rape amounting to torture in violation of Article 5 of the Charter.<sup>82</sup>

39. In light of the foregoing, the Organisations submit that this treatment amounted to torture in violation of Article 5 of the African Charter.

### **V.3. Failure to conduct an impartial and effective investigation in violation of Articles 4 and 5 of the African Charter**

40. It is the Commission's established jurisprudence that a State party to the Charter is obliged to investigate serious human rights violations such as those enshrined in Articles 4 and 5 of the African Charter. An investigation must be prompt, impartial and effective, that is, the investigation must be capable of leading to the identification and prosecution of those responsible for the violations.<sup>83</sup>

41. In reference to the analysis of the authorities' failure to investigate in the context of the exhaustion of domestic remedies outlined further above,<sup>84</sup> the Organisations submit that the Respondent State failed to provide a plausible explanation for Mr Essam Atta's death in custody and its failure to investigate impartially and effectively the allegations

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<sup>79</sup> See Section II above.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> See for instance Inter-American Commission on Human Rights, *Raquel Marti de Mejia v Peru* (1996), Case 10.970, Report No. 5/96, 1 March 1996; ECtHR, *Aydin v Turkey* (1997) Application No. 57/1996/676/866, Judgment of 25 September 1997, paras.83, 86; Committee against Torture, *C. T. and K. M. v. Sweden*, Communication No. 279/2005, 17 November 2006, para. 7.5; Inter-American Court of Human Rights, *Case of the Miguel Castro-Castro Prison v Peru*, Judgment of 25 November 2006 (Merits, Reparations and Costs), para.311.

<sup>83</sup> See for instance African Commission, *Egyptian Initiative for Personal Rights and Interights v Egypt*, Communication 334/06, para.204; *Amnesty International and Others v Sudan*, Communications 48/90, 50/91, 52/91, 89/93, para.56; see also the Commission's Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines), adopted in October 2002, paras.17-19, 49.

<sup>84</sup> See Section III above.

with a view to hold those responsible to account constituted a procedural violation of Articles 4 and 5 of the Charter.

#### **V.4. The failure to conduct an effective investigation constitutes a violation of the Complainant's and his family's right to know the truth and to information under Articles 4 and 5 of the African Charter**

42. An integral part of the obligation to investigate and prosecute those responsible for violations of the African Charter such as those enshrined in Articles 4 and 5 is the notion of the right to truth, that is, the right to an “accurate account of the suffering endured and the role of those responsible for that ordeal.”<sup>85</sup> The right to truth is widely recognised in the jurisprudence of and instruments adopted by the African Commission and other mechanisms.<sup>86</sup> It encompasses a right to be provided with information concerning the circumstances surrounding serious human rights violations. Specifically in relation to the right of family members to know what happened to their loved ones, authorities must involve a victim’s relatives in the investigative procedure “to the extent necessary to safeguard their legitimate interests.” This includes granting the family access to the investigation as well as its outcome and authorities must act of their own motion and not leave it to the family to lodge formal complaints.<sup>87</sup> According to the Inter-American Court of Human Rights, “only if all the circumstances of the violations involved are clarified can it be considered that the State has provided the victim and his next of kin effective remedy and that it has complied with its general obligation to investigate.”<sup>88</sup> The Court held further that “the possibility of the victim’s next of kin knowing what happened to the victim...is a means of reparation, and therefore an expectation regarding which the State must satisfy the next of kin of the victims and society as a whole.”<sup>89</sup>
43. The Organisations submit that the Respondent State’s failure to adequately investigate the alleged violations constituted a violation of Mr Essam Atta’s family’s- including the Complainant’s- right to know the truth and to information about the circumstances of Mr Essam’s Atta’s death. The Complainant and his family have made numerous, repeated and persistent efforts to be allowed to participate in the investigation into Mr Essam Atta’s death. His father was prevented from attending the autopsy of Mr Essam Atta, and the prosecution sought to pressure him not to request an autopsy of Mr Essam Atta. The Complainant, with the support of human rights organisations in the

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<sup>85</sup> See further ECtHR, *Case of El-Masri v The Former Yugoslav Republic of Macedonia*, Application no.39630/09, Judgment, 13 December 2012, para. 192.

<sup>86</sup> See for instance, African Commission, Resolution 111 on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence, adopted during the African Commission’s 42<sup>nd</sup> Ordinary Session from 15-28 November 2007, at <http://www.achpr.org/sessions/42nd/resolutions/111/>.

<sup>87</sup> See for instance ECtHR, *McKerr v United Kingdom*, Judgment of 4 May 2001, para.109; *Chitayev and Chitayev v Russia*, Judgment of 18 January 2007, paras.165-166;

<sup>88</sup> IACtHR, *Bámaca-Velásquez v Guatemala*, Judgment (Reparations and Costs) of 22 February 2002, para.75.

<sup>89</sup> *Ibid*, para.76.

Respondent State, filed three complaints with the authorities. The authorities failed to keep the Complainant and his family informed about investigative steps taken in response to these complaints and only informed the Complainant upon his repeated requests for information that the investigation was suspended. He was not provided with a written decision about the reasoning for the suspension of the investigation, leaving the Complainant's requests for information about and accountability for his brother's torture and death in Tora Prison unanswered. In light of the foregoing, the Organisations submit that the authorities' failure to ensure the Complainant's and his family's participation in the investigation and further public scrutiny constituted an additional violation of Articles 4 and 5 of the Charter.

## V.5. Violation of Article 7: Right to Fair Trial<sup>90</sup>

44. Article 7 of the African Charter sets out a number of elements required to ensure that a trial is fair, including the right to an appeal, to be presumed innocent and the right to counsel. The Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa provide further guidance on Article 7 and list a number of "essential elements of a fair hearing", including

- i. Equality of arms;
- ii. Adequate opportunity to prepare a case, present arguments and evidence and to challenge or respond to opposing arguments or evidence;
- iii. An entitlement to consult and be represented by a legal representative;
- iv. An entitlement to an appeal to a higher judicial body.

45. The Commission's "Resolution on the Right to Recourse and Fair Trial" provide that Article 7 of the Charter includes "an entitlement to consult and be represented by a legal representative or other qualified persons chosen by the party at all stages of proceedings" and the right to have "adequate time and facilities for the preparation of their defence and to communicate in confidence with the counsel of their choice." According to the Commission's established jurisprudence, authorities must therefore give arrested and detained persons prompt access to a lawyer.<sup>91</sup> The right to counsel applies "at all stages of any criminal prosecution, including preliminary investigations in which evidence is taken, periods of administrative detention, trial and appeal proceedings."<sup>92</sup>

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<sup>90</sup> See also further below, Section V.7. on the Duty to Guarantee the Independence of the Courts.

<sup>91</sup> See for instance African Commission, *Media Rights Agenda and Constitutional Rights Project v Nigeria*, Communication Nos.105/93, 130/94, and 152/96, paras.55-56, and *Zegveld and Ephrem v Eritrea*, Communication 250/2002, para.55.

<sup>92</sup> African Commission, Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa, Principle N (2) (c), at [http://www.achpr.org/files/instruments/principles-guidelines-right-fair-trial/achpr33\\_guide\\_fair\\_trial\\_legal\\_assistance\\_2003\\_eng.pdf](http://www.achpr.org/files/instruments/principles-guidelines-right-fair-trial/achpr33_guide_fair_trial_legal_assistance_2003_eng.pdf).



46. The Organisations submit that Mr Atta's trial on 26 October 2011 by the Military Court in Cairo did not provide for any of these "essential elements."
47. Egyptian Military Police arrested Mr Atta on 25 February 2011 and the Military Prosecutor charged Mr Atta shortly after on the same day with illegally taking over/seizing an apartment owned by the State and with possessing a knife. A military Court in Cairo convicted him on 26 February 2011 for 'thuggery' and sentenced him to two years imprisonment. At no point following his arrest up to conviction did Mr Atta have access to a lawyer, and he was not represented during his 'trial'. Mr Atta therefore did not have the opportunity to prepare his case, present arguments and evidence and challenge the evidence presented by the prosecutor. The authorities' failure to provide him with a lawyer and to inform Mr Atta about the possibility to appeal his conviction furthermore prevented him from appealing the conviction to a higher judicial body.
48. In light of the foregoing, the Organisations submit that therefore Mr Atta's trial was unfair contrary to Article 7 of the Charter.

## V.6. Violation of Article 16: Right to Health

49. It is generally recognised that rape and other forms of torture and ill-treatment cause severe mental and physical trauma on the victim, "a trauma that can be long lasting and may never fully disappear." The resulting ill-health as a consequence of torture can be attributed to the State as the author of the torture, which can thus be interpreted as a violation of the rights of individuals to enjoy the best attainable state of physical and mental health as enshrined in Article 16 of the Charter.
50. In the present case, prison officers subjected Mr Atta to physical and mental torture and other ill-treatment, resulting in severe injuries and eventually in Mr Essam Atta's death. The Organisations submit that the torture inflicted upon Mr Atta in prison violated Article 16 of the African Charter. Furthermore, the Organisations submit that the authorities failed to provide Mr Atta with adequate medical care while in Tora Prison in violation of his right to health under Article 16.<sup>93</sup>

## V.7. Violation of Article 26: Duty to Guarantee Independence of Courts

51. Article 26 of the African Charter, providing for the independence of the Courts, highlights the institutions needed to ensure implementation of the rights enshrined in

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<sup>93</sup> See for instance, African Commission, *International Pen and others v. Nigeria*, Communications 137/94-139/94; 154/96-161/97, providing in para.112: "[T]he responsibility of the government [to ensure an individual's right to health] is heightened in cases where an individual is in its custody and therefore someone whose integrity and well-being is completely dependent on the actions of the authorities. The State has a direct responsibility in this case."

Article 7. The Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa of 2003 set out what constitutes an independent court:

[t]here shall not be any inappropriate or unwarranted interference with the judicial process nor shall decisions by judicial bodies be subject to revision except through judicial review, or the mitigation or commutation of sentence by competent authorities, in accordance with the law.<sup>94</sup>

52. The Fair Trial Principles also require that “[a]ll judicial bodies shall be independent from the executive branch,” a position reaffirmed by the Commission’s jurisprudence on Article 26 of the Charter, stating that “the independence of a court refers to the independence of the court vis a vis the Executive. This implies the consideration of the mode of designation of its members, the duration of their mandate, the existence of protection against external pressures and the issue of real or perceived independence.”<sup>95</sup> Specifically in the context of military trials, the Commission’s Fair Trial Principles stipulate that “[M]ilitary courts should not in any circumstances whatsoever have jurisdiction over civilians.”<sup>96</sup> The Commission considered similarly that “civilians appearing before and being tried by a military court presided over by active military officers who are still under military regulations violates the fundamental principles of fair trial.”<sup>97</sup>
53. In the present case, Mr Atta, a civilian, was prosecuted before, tried and convicted by a military court in Cairo. The Organisations submit that the military justice system in Egypt that led to Mr Atta’s conviction lacks independence and therefore is in violation of Article 26 of the Charter.
54. The lack of independence of the military courts in the Respondent State has led the UN Human Rights Committee to express “its alarm at the fact that Military Courts and State Security Courts have jurisdiction to try civilians accused of terrorism although there are no guarantees of those Courts’ independence and their decisions are not subject to appeal before a higher Court.”<sup>98</sup> While this statement was made in 2002, serious concerns about the independence of the military courts in the Respondent State continue to exist for the following reasons: Judges sitting in military courts must be active members of the armed forces. The judges are selected by the head of the military justice system, and are appointed by the Minister of Defense, a member of the executive. In addition to their selection process, the judges’ tenure is also not

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<sup>94</sup>African Commission, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa of 2003, Principle A (4) (f).

<sup>95</sup> See for instance African Commission, *Marcel Wetsh'okonda Koso and others v Democratic Republic of Congo*, Communication 281/03, para.78.

<sup>96</sup> Above, n.103, Principle L (c).

<sup>97</sup> Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003, L.

<sup>98</sup> Human Rights Committee, Concluding Observations on Egypt, UN doc. CCPR/CO/76/EGY (2002), para. 16 (b).

guaranteed and remains at the behest of the executive.<sup>99</sup> The Military Court's lack of independence in the Respondent State is furthermore underlined by the fact that all officers, including judges, must take an oath of allegiance to a person or entity determined by the President of the Republic (the head of the executive branch) before commencing their service. It is submitted that therefore the judges must make decisions within a framework that does not provide structural independence from the executive branch.

55. Mr Atta's trial before the Military Court in Cairo therefore amounted to a violation of Article 26 of the Charter.

## **VI: Conclusion**

56. The Organisations submit this complaint for the purposes of seizure. The Complaint will be further substantiated as appropriate once the Commission has been seized of this complaint. The Organisations will then also set out the requested remedies.

57. The Organisations submit that this complaint meets the requirements of Rule 93 for seizure by the Commission for the purposes of examination by the Commission.

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<sup>99</sup> The Code of Military Justice provides that judges may only be removed in accordance with the disciplinary procedures in the Code of Military Services, determined solely by a committee of officers of the armed forces, see Code for the Conditions of Service and Promotion of Officers of the Armed Forces , Law 232/1959, Articles 110, 112, 134.

## **VII. Annexures**

- Annex 1 Photo of Mr Essam Atta's identification card
- Annex 2 Photos taken by the Complainant of Mr Essam Atta in the morgue
- Annex 3 Unofficial summary translation into English of transcript of Mr Sayyed Ahmad Othman's online testimony, dated 15 April 2012
- Annex 4 Forensic Report 108/2013, Summary in English
- Annex 4a Forensic Report, 108/2013, Arabic Original
- Annex 5 Autopsy Report No. 945.2011, Summary in English
- Annex 5a Autopsy Report No. 945.2011 (first page missing), Arabic original
- Annex 6 Complaint submitted to Prosecutor General by EL-Nadim Centre, unofficial translation into English
- Annex 6a Complaint submitted to Prosecutor General by EL-Nadim Centre Arabic original
- Annex 7 Independent Forensic Opinion by Doctor Ibrahim Mohammed Saleem, June 2012
- Annex 8 Confirmation of Receipt of Complaint by Prosecutor
- Annex 9 Arab Penal Reform Organisation, Request to reopen the investigation into Mr Essam Atta's case, 28 October 2013

## VIII. Information on the organisations representing the Complainant

### **The Redress Trust (REDRESS)**

REDRESS is an international human rights non-governmental organisation based in London, United Kingdom, with a mandate to assist torture survivors to prevent their further torture and to seek justice and other forms of reparation. Further information on REDRESS can be found at [www.redress.org](http://www.redress.org). REDRESS is represented in this communication by Juergen Schurr, Head of Law and Policy, who can be reached on +44 20 7793 1777 and at [juergen@redress.org](mailto:juergen@redress.org).

### **The Egyptian Initiative for Personal Rights [EIPR]**

The Egyptian Initiative for Personal Rights has been working since 2002 to strengthen and protect basic rights and freedoms in Egypt, through research, advocacy and supporting litigation in the fields of civil liberties, economic and social rights, and criminal justice. More information on EIPR can be found at [www.eipr.org](http://www.eipr.org).

### **The El Nadim Center for the Rehabilitation of Victims of Violence**

The El Nadim Center for the Rehabilitation of Victims of Violence is a human rights clinic providing psychological and psychiatric rehabilitation to survivors of all forms of violence and their families, both Egyptians and foreigners. It was founded in 1993 as a not for profit company as well as a psychiatric clinic registered with both the doctor's syndicate and the ministry of health. In addition to rehabilitation, it works through monitoring violence, providing alternative psychological forensic reports, campaigning on behalf of its clients and prepares monthly and annual reports that address the public. More information about the El Nadim Centre can be found at <http://alnadeem.org/en/node/23>.