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Default Situation is Violation

An analytical report of the violations which the defendants faced in case No. 64 of 2017 military crimes north of Cairo, Known by the assassination of the Assistant Attorney General.

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An analytical report by the research unit in the **Egyptian Front for Human Rights.** and **Belady Center for Rights and Freedoms.** organizations.

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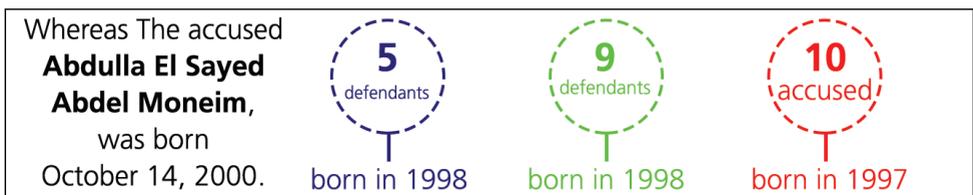
July, 2018

**Introduction
and facts of
the case:**

In October 12, 2017, 299 defendants - 203 detainees and 96 fugitives - were referred- by the Northern Military Prosecution in Cairo in case No. 64 of 2017, known as the Assistant Attorney General or the Case of Hasm Movement (HM) to- the Cairo Military Criminal Court. The Military Prosecution received the case file from the Supreme State Security Prosecution in March 2017 after investigations revealed that HM seeks to target a number of military facilities, police and foreign embassies.

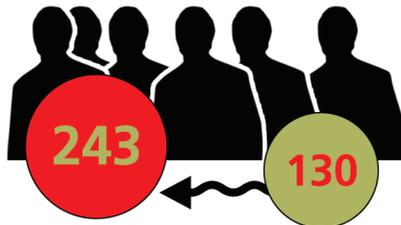
According to the indictment, the prosecution charged 34 charges, most of which are distributed between murder, attempted murder, complicity and incitement, between 2014-2015, in six different governorates: Behera, Fayoum, Gharbia, Cairo, Damietta. The murder of 16 people and the killing of 15 others, most likely police officers and members of the armed forces, first and foremost brigadier general Adel Rajai commander of the Ninth Division, as well as the attempt to kill Assistant Attorney General Zakaria Abdel Aziz and Advisor Ahmed Abul Fotouh. finally, an attempt to assassinate the former Mufti of the Republic.

In the first analysis of the indictment, the unwarranted congestion of facts, in one case over a long period of time (two years), the events took place in different geographic locations. Not just that, but the dates of birth of the accused in the case show how young not a few among them.



A large number of accused in the case faced several violations of their rights guaranteed by the amended Constitution 2014, where many of them were subjected to enforced disappearance for long periods in the headquarters of the National Security Service, where they suffered various kinds of physical and moral coercion. In addition, the Public Prosecutor's Office did not allow a large number of accused to use the services of a private lawyer, nor did they transfer a large number of defendants immediately to the Department of forensic medicine after being alleged to have been subjected to torture in order to ascertain the accuracy of their statements. The case also included the lack of investigations and the reliance on anonymous information, in addition to the exposure of a number of children to violations in violation of international conventions and the Egyptian law of the child.

The report was based on an analysis of the violations of the rights of the accused in the case, which were confirmed in the Public Prosecution's investigations, with 130 out of the 203 detainees who were interrogated by the State Security Prosecution before being referred to the Military Prosecution, The testimony of a number of relatives of the defendants in the case as well as testimonies of some of the attorneys.



This report was based on the investigations papers of 130 out of 243 had been investigated overall

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Enforced disappearance of most of the accused.

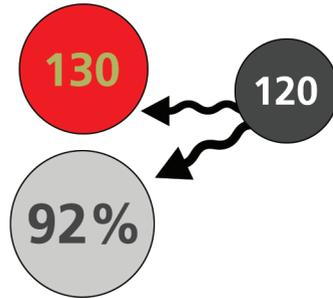
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no one shall be arrested, searched imprisoned or restricted in any way except by reasoned judicial order required by the investigation .. and shall be submitted to the investigating authority within 24 hours from the time of the restriction of his liberty

«

article 54 of the Egyptian Constitution amended in 2014

This case has suffered a serious breach of the rights of the accused, starting with incommunicado disappearance (enforced disappearance). The Constitution and the code of Egyptian criminal procedure provide that the person arrested should be brought to the investigation within 24 hours from the time of arrest. Looking at the papers of 130 defendants, 120 defendants were shown to have been subjected to enforced disappearances for more than five months at different headquarters of the National Security Service.

120 out of the 130 victims were forcibly disappeared 92% of the sample.

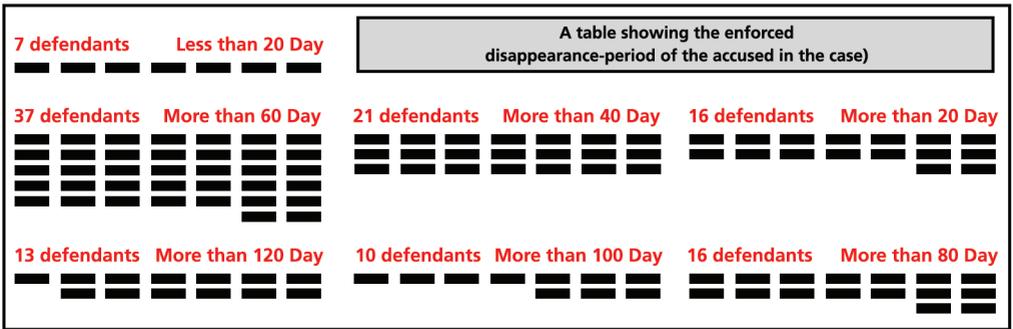


My husband was arrested from Elshrouq hospital where I was giving birth to my child, a group of people in a microbus stopped him and took him with them. Then he was forced disappeared for five months until I knew that he appeared in one of the prosecutor's office. I cannot see him or enable him to see his child.

said by defendant Nagy Abdullah's wife during the direct meeting with her about her husband's situation.

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From the analysis of the prosecution's investigations of 130 accused in this case and the telegraphs submitted by their relatives to the various judicial bodies, the majority of the accused in question appear to be 120 out of 130, representing about 92% of the sample, was subjected to enforced disappearances and for long periods in comparison with the other cases of the same type, which is illustrated in the following figure in detail:



Another problem raised by the analysis of 130 defendants in this case is the difference of the place of arresting between the official report and the defendant's words. According to analyzing 88 defendants' papers show differences in their place of arresting. (Infographic).

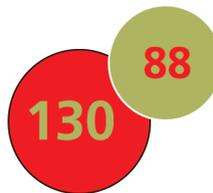
An example of this is the case of the defendant Amr Hassan Abdel-Al who has been disappeared for approximately 155 days. He says at the special investigation that he was arrested from Al-Arbaeen Square in Ain Shams in the heart of Cairo, While the official report shows that the arrest officer arrested him from the Hossary Square located in the 6th of October at the outskirts of Giza.

The defendant, Abdel Moneim Mohammed who has been disappeared for almost 95 days, says that he was arrested in a police check-point at Ghamra station in the heart of the capital, in Cairo, whereas the official report stated that he was arrested in a police check-point at Luxor's train station, northern Egypt.

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The defendant, Sameh Mohammed Ibrahim Mohammed, who has been missing for about 55 days, says he was caught in a police check-point around Edfu train station, while the official report says he was caught in a street police check-point in Shubra al-Khaimah.

Name	The official arrest place	The arrest place according to the defendant words
Mustafa Mustafa Ibrahim Elmarsh	Street police check-point	Was called to security agencies
Sameh Mohamed Ibrahim Eid	Shoubra Elkhema police check-point	Police check-point at Edfu train station
Amr Mohammed Ahmed Shaaban	Police check-point nearby his residence	Give himself up to the authorities
Ahmed Hassan Abdul Tawab Ahme	his residence in Dirout district	Assuit's train station
Ahmed Abdel Rahim Hanafi Abdel Rahim	Police check-point under Abbis Bridge	Marshar Street in Sidi Gaber
Mohammed Ahmed Mohammed Bakhit	from his home in Alexandria	next to the train bridge
Ahmed Mohamed Ali Mohamed Mohamed	from his house in Alexandria	from El-Raml Station



88 defendants out of 130
their papers show a change
in the place of the arrest place

As for their hiding places, the statements of those who claimed to have disappeared in the case reveal that they were present inside the headquarters of the National Security Service in Sheikh Zayed or Abbasiyah, or in national security headquarters in different governorates, such as Alexandria, Damietta, Aswan, Zagazig and Assiut.

The arrest of the defendants was also accompanied by another violation, which is the theft of some of the belongings with them along with keeping the defendants' telephones and computers as part of the investigations against them, two families among the documented families, said that their relatives had money during the arrest but the parents did not know the fate of the money. The mother of the defendant's wife Mr. Talima, said: " when Said got arrested they broke his motorcycle and took 8,000 pounds which was with him".

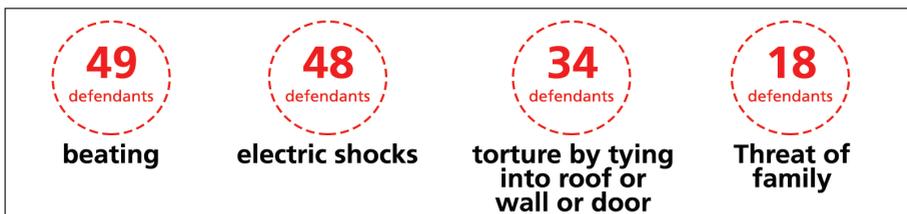


On the other hand, the mother of the defendant Bilal Said, “they arrested him, while he was going to work, back then he had the collected-money (22 thousand pounds) with him which he was keeping for his wedding, I saw him after 11 months of his detention and I do not know where the money went”.

These papers show that the prosecution ignored the allegations of conflicting places and the timing of the arrest and detention at the national security headquarters in order to extract confessions and compel them. These allegations are correct and lead to the nullification of the arrest and detention in violation of the Egyptian Constitution and the Code of Criminal Procedure.

Second: Physical and moral coercion of the defendant:

More than 60% of the defendants during the investigation were subjected to physical and moral coercion. We found that 78 defendants were subjected to physical and moral coercion out of 130 accused, and by analyzing their accounts of torture, we found four patterns of torture against the defendants, 49 defendants being beaten, 48 electrocuted, 34 others subjected to suspension, and 18 defendants were threatened by their families and tortured to force them to confess to the charges against them.



By looking into the accused's words throughout the investigations, we find that more than one defendant was subjected to more than a pattern of torture, according to the accused Mohammed Sayed Mohamed Fath al-Din in one of his interrogation sessions on October 29, 2016 tortured, said:

"they broke my car's glasses, took me to un-known place, later I knew that it is One of the headquarters of national security, where I got tortured. They stopped me naked in one tile, electrocuting me all over my body. When I was trying to get out of the tile they raised the level of electricity towards sensitive areas. Then they did something called "the fan" in which they took off my clothes, stand me in a chair near to the door and tie me into the door then took the chair away. After that I was subjected to something called "the grill" they tie me into the roof like a carcass tying my leg and hand and started to electrify me".

In the same vein, the accused Mahmoud Ahmed Mohammed said that in a hearing of the prosecution on 3 January 2017 they tortured him during interrogation by the National Security, said: "after the officer asked me he started to beat me in company with the people with him, they took off my clothes and back tied my hands and brought me down as well, electrocuting me concentrating in my penis area. After that they hand tied me into the door until I lost consciousness".

"my son was tortured in the state security office located in Abbis where he was hidden. They electrocuted him under his stomach and in sensitive areas and they beat him, added when I saw him his body

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All those who are apprehended, detained or have their freedom restricted shall be treated in a way that preserves their dignity. They may not be tortured, terrorized or coerced. They may not be physically or mentally harmed or attested and confined in designated locations that are appropriate according to humanitarian and health standards. The state shall provide means of access for those with disabilities.

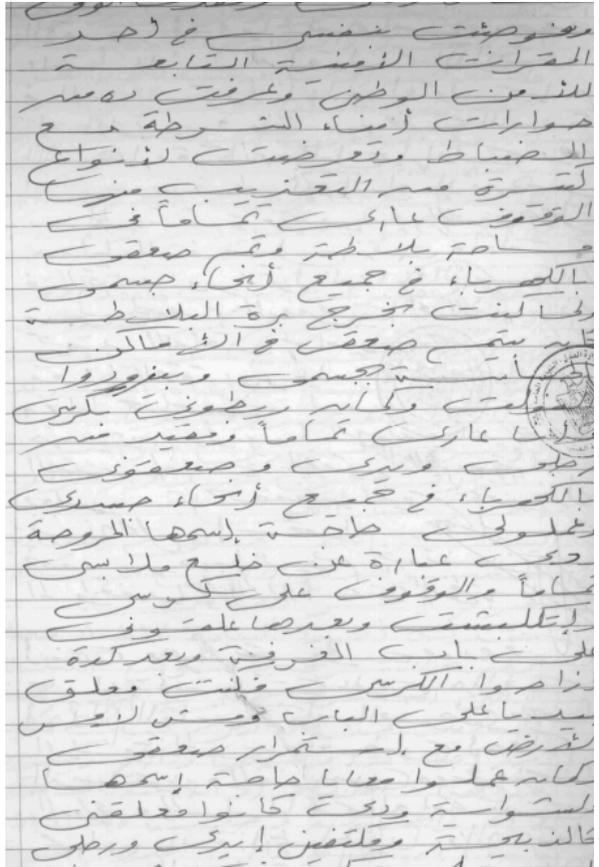
Any violation of the above is a crime and the perpetrator shall be punished under the law. The accused possesses the right to remain silent. Any statement that is proven to have been given by the detainee under pressure of any of that which is stated above, or the threat of such, shall be considered null and void»

«

Article 55. Egyptian constitution.

was swollen". Said the mother of the defendant Ahmed Abd Elrahim during the meeting with her.

According to the defendants' words about torture that their confession in their first session was by force, so should not be taken as a proof. According to article 302 of the Code of Criminal Procedure, "the judge shall rule on the case in accordance with the faith in which he has formed his full freedom, However, it is not permissible for him to build his judgment on any evidence that was not brought before him in the hearing. Any statement



that is proven by one of the accused or witnesses under duress or threats is wasted and unreliable. "Accordingly, according to the articles of the law and the Egyptian constitution, all the defendants' confessions are nothing and should not be considered as a material evidence against them.

These allegations of torture cast doubt on the confessions attributed to the defendants, especially in the first investigation sessions, in case they are correct, they will be issued by a non-free will, which the prosecution should have done to verify these allegations by asking those responsible for the arrest and detention before the investigation and referral to Department of forensic medicine immediately after the accused alleged that he had been torture.



Third: filming the accused

In violation of the Egyptian constitution and the international conventions that provide for the innocence of the accused until proven guilty in a fair trial, the official page of the Ministry of Interior published on Facebook and the media channels a videotape on 4 November 2016 containing the accounts and confessions of five of the accused in the case of the attempted assassination of Assistant Attorney General And Sheikh Ali Gomaa, Mohammed Al-Saeed Mohammed Fath Al-Din, Ahmad Toni Abdel-Aal, Mo'men Ibrahim

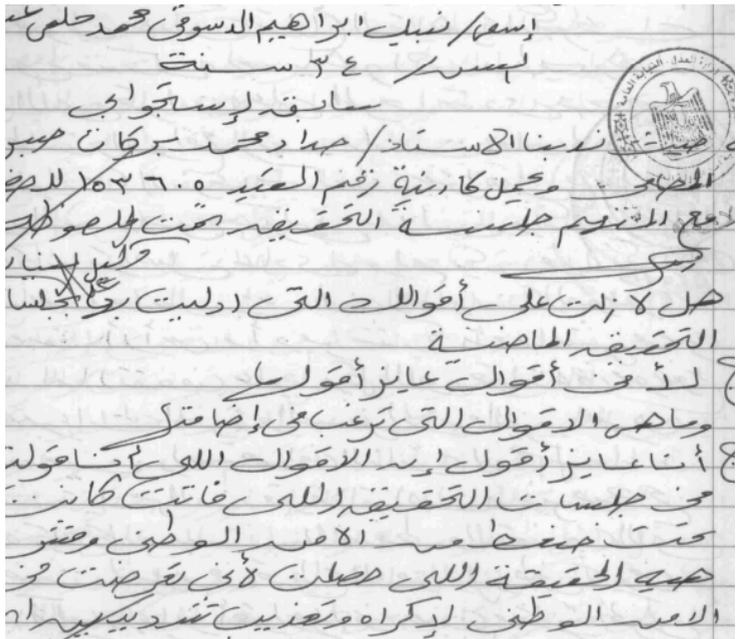
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The accused shall be presumed innocent until proved guilty in a fair trial, in which he shall be guaranteed the defense of himself. The law shall regulate the appeal of sentencing decisions. The State shall provide protection to victims, witnesses, accuses and informants, as appropriate, in accordance with the law.

«
Article 96 of the Egyptian Constitution amended in 2014

Ibrahim, Nabil Ibrahim Dessouki and Abdel Hakim Mahmoud.

The filming of confessions constitutes a flagrant violation of the rights of the accused. It is not only a violation of the above-mentioned constitutional provision, the accused are considered criminals, they are described as terrorists before a final judgment is issued against them, but also because the publication of videotapes of the accused violates the guarantees of fair trial in terms of forcing defendants to photograph confessions. This was the case with the accused Muhammad al-Sa'id Muhammad Fath al-Din, where the investigation papers revealed his denial of all his confessions at a hearing on 8 November 2016. He said that he was tortured at the National Security headquarters to make false statements. That happened again with the accused Nabil Ibrahim al-Desouki, in a session on 4 November 2016 said: " when I got arrested they beat me with something like the back of a gun below back and neck. And when I went with them, they electrocuted me by putting two wires between my mid-

leg fingers after that they took off my clothes, put a stick under my knee while my hands were tied under the stick in front of my knees, then they tied me into the roof (Grill position), two officers took turns electrocuting me, all of this was to force me



إسم/ نيل إبراهيم الدسوقي محمد حسن
للمسألة ٤٣٥٥
سابقه لرسائل جوابي
ندبنا الاستاذ/ جهاد محمد بركات حبيب
المطهر ومجمل كادنية زعيم العنيد ٦٠٥-٦٠٢ للدسوقي
أجمع الملتزم جلسة التحقيق صحت بلا صوت
هل لا زالت على أقواله التي ادليت بها في جلسة
التحقيق الماضية
لا في أقواله عما ينز أقواله
وما هو الأقوال التي ترغب في إضاقتك
أنا عما ينز أقواله لزيد الأقوال اللوح أقواله
من جلسات التحقيق التي فاتت كانت
حتى حينها مع الأعداء الوطنيين وقطر
هو الحقيقة التي حصلت لأنني تعرضت ل
الأعداء الوطنيين لإكراه وتعذيب شديد يبيد

to film."The accused denied all these confessions " I need to say that my confessions during my hearings in the state security office were by force, this is not the truth, I said that because I was tortured and forced in the state security office."

In contrast, according to the defendants' words, they were filmed during their illegal detention, the five accused were subjected to enforced disappearance for a period of two weeks to five months, confirming the use of illegal methods to force them to confess to committing terrorist crimes with the aim of assassinating public figures, and therefore these confessions are invalid and unconstitutional because they did not come from free will.



Fourth: The absence of lawyers from attending the first investigation sessions:

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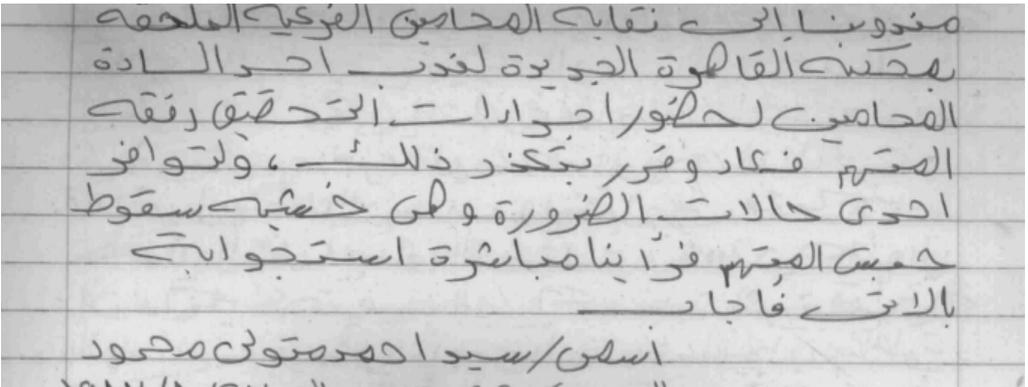
The accused shall be presumed innocent until proved guilty in a fair trial, in which he shall be guaranteed the defense of himself. The law shall regulate the appeal of sentencing decisions. The State shall provide protection to victims, witnesses, accuses and informants, as appropriate. in accordance with the law.

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Article 96 of the Egyptian Constitution amended in 2014

In violation of the Egyptian Constitution and international conventions that guarantee the right of defense of the accused as an inherent right guaranteeing the minimum guarantees of fair trial for the accused in any case, especially those cases that end with the sentence of the death penalty. In this case, the defendants' right to contact their lawyers and their relatives was severely violated. The majority of the defendants were asked without a lawyer without strong justification, or the extension of the assignment of counsel

instead of enabling defendants to communicate with their original lawyers.



The official papers of the 129 defendants in the case reveal that the prosecution began the investigation sessions with the majority of the accused, 84 of them, representing 65% of them without the presence of a lawyer to defend them. As shown in the table next page.



In view of the reasons given by the prosecution to justify the initiation of investigations without the presence of a lawyer, the use of a number of repeated justifications such as the availability of necessity and the fear of the four days of investigation to be finished which are the two exceptions to start the investigation without a lawyer. Article 142 of the Code of Criminal Procedure allows investigation to initiate an investigation without a lawyer, Requires the investigating body to justify the reasons for using that exception, which deprives defendants of their right to defend or even enable the right to remain silent.



Another aspect of the arbitrariness of this case is the failure to enable the accused to contact his or her original lawyer or to extend their legal representation. Most of the defendants present with a lawyer at the first hearing of the prosecution show that the lawyer who was present with them is an assigned counsel, not an authentic lawyer. Where 42 defendants out of 45 did not get the opportunity to have their original lawyer they have the assigned lawyer instead. Whereas the last three had their original lawyer.

45	Defendants with lawyers in the first session
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42	Defendants with assigned counsel
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3	Defendants with their original lawyer
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Not only that, by looking into the names of the lawyers assigned in the first investigation sessions, it is clear that some of the lawyers present with the accused are repeated, such as the lawyer Hussein Fathi al-Hindawi, who was assigned to attend with 13 accused, and the lawyer Hisham Mohamed Abdel-Zaher, who was assigned to attend with 19 other defendants out of total 45 accused, which casts doubt on the seriousness of the process of assignment of lawyers, especially with the repetition of the form of defenses that they use in the investigation.

The importance of the right of defense is that the accused cannot, alone during his detention, be aware of the charge, the facts and the evidence of innocence, which is the role of the defender. Which makes their absence or non-serious presence during investigations one of the most important violations that undermine the guarantees of fair trial for the accused.

Fifth: procrastination of referral to forensic medicine

The analysis of the investigation papers shows the extent of the negligence and procrastination by the investigating body in the transfer of the accused who claimed to have been subjected to torture for forensic medicine and the requests made by some of them to request the signing of the medical

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Any statement made to be made by a detainee under the weight of any of the foregoing, or the threat thereof, is wasted and unreliable.

«
Article 55 of the Egyptian Constitution amended in 2014

examination and proof that they have been tortured. This was the duty of the prosecution to clarify the truth of the statements and confessions issued by the accused and to ensure that they are issued by free will.

The transfer of six defendants to sign the medical examination was also ignored to show the torture they had given in detail in the confessions. The papers also show procrastination by the prosecution to refer two accused, referred by the prosecution to forensic medicine after a delay of one to two months from the date of their request for forensic medicine, Ahmed Sobhi Mohammed (59 days) and Abdullah Mahmoud Abu El-Ela (28 days), in addition to 12 accused who were referred to forensic medicine after delays of weeks and months from the date of their alleged torture.

a table showing how the prosecutor interacted with a number of allegations of torture and the requests to see the forensic medicine (FM)

Name	Alleged time of torture	Time of the request to FM	Interaction of the prosecution With the request	The date of referral	The date between alleged time and the actual time to go
Ahmed Sameh Mohamed	2/01/2017	13/02/2017	referral	13/02/2017	43 days
Ahmed Sobhi Mohamed	16/11/2016	30/11/2016	referral	29/01/2017	72 days
Islam Abdel Moneim	24/10/2016	4/12/2016	referral	4/12/2016	40 days
Elsaid Ahmed	15/11/2016	12/12/2016	Ignorance		
Hassan khotery Tolba	22/11/2016	3/01/2017	referral	3/01/2017	41 days
Hassan Mohamed	13/11/2016	23/11/2016	Ignorance		
Hamdi Taha Abd elhalem	6/12/2016	18/12/2016	referral	18/12/2016	12 days
Amer Mohammed Amer	7/01/2017		referral	15/01/2017	8 days
Abdul Rahman Moataz	28/12/2016	20/02/2017	referral	20/02/2017	52 days
Abdullah Mahmoud	13/11/2016	8/01/2017	referral	6/02/2017	82 days
Aladdin Hussain	26/12/2016	8/01/2017	Ignorance		
Mohamed Ahmed	8/01/2017	6/02/2017	referral	6/02/2017	31 days
Mohamed Diab Qorany	19/12/2016	1/01/2017	referral	6/02/2017	11 days
Mahmoud Ahmed AbdulAti	29/10/2016	23/11/2016	Ignorance		
Mostafa Mostafa Ibrahim	29/11/2016	29/11/2016	referral	1/12/2016	11 days
Nasr Ali Mohamed Ali	28/12/2016		referral	1/01/2017	12 days
Ahmed Mohamed Hosny	19/12/2016	19/12/2016	Ignorance		
Marouf Sedek Marouf	21/11/2016	21/11/2016	Ignorance		
Abdullah Osama Mustafa	13/11/2016		referral	13/11/2016	04 days
Omar Saeed Abdullatif	26/11/2016		referral	1/12/2016	05 days
Mohamed Abdel Sadeq	2/11/2016		referral	7/11/2016	05 days

Despite the long-standing ignorance and procrastination of referring the accused to see the truth of torture on them, a number of forensic reports of those accused show that they have been tortured. The forensic report of the accused Mohamed Abdel Sadek Hassan shows that he suffers from several different forms of infections, ranging from 5.5 to 5.7 which is spread under the abdomen, left neck, mid-front, left thigh and upper thigh. The defendant claimed at the hearing of the prosecution on 2/11/2016 that he was tortured, said “**they continued to electrocute me for 15 days to force me to confess things I did not do.**”

In spite of the defendant’s account of the fact that he was tortured, when he was answering the prosecutor about if he was subjected to torture. The prosecution delayed the referral of the accused to forensic medicine for five days to ascertain the fact that he was subjected to torture. Torture.

Another model is the defendant Hassan Khoutery Tolba Khoutery, In spite of the procrastination of the prosecution in his referral to forensic medicine for 40 days after the date of his claim. However, the forensic report of the accused reported that there were several healings and injuries in different parts of his body such as the scalp, right leg and jaw, Where the accused listed his torture at the National Security headquarters in Giza in an investigation session on 22 November 2016, said “**they continued to torture and electrocute me, causing two teeth to fall.**”

Similarly, the prosecution sent him to sign a medical examination on 3 January 2017, which means more than forty days after his alleged torture.

These models raise questions about the impartiality and impartiality of the prosecutor’s authority in investigating suspects and their involvement as an indictment authority rather than an investigatory authority. The



prosecution ignored the statements of the defendants regarding torture and ignored the repeated requests of the defendants to be presented to forensic experts. And cast doubt on the nature of bias to the arrest authorities at the expense of the rights of the accused.

Sixth: Poor prison conditions:

«I need to say that I was imprisoned in a maximum-security prison, the treatment there is worse than the state security. When I first came into the prison they did something to me called «welcoming party», one of the prison warders pulled me of my neck and told me if I did not follow him he will bring a dog to rape me. As well as the first week I was in solitary confinement and any inspection we have to look to the walls putting our hands up, one day I was asleep one of the warders took my head and hit it to the wall, thanks god did not leave scratches. We are forbidden of walking out of the cells, can not get your hair-cut or your nails and no visits. In addition to that, they turn off the lights in the evening to make us live in dark nights, I need to see my family you can imagine that I did not see them since I got imprisoned.»

According to the statement of Abdul Rahman Ali Faraj Ahmed accused in the case in the investigations of the prosecution.



The reports of the prosecution's investigations reveal that 130 defendants detained in this case, were subjected to several violations even after they left the state security headquarters and were transferred to prisons where they were suffering from health problems and abuse of their right to visit, their right to pursue their studies in addition to harsh treatment inside the prison.

The statements of 55 accused in this case show that they have been subjected to ill-treatment by the prison administration, through violence and deliberate physical and moral humiliation of the accused in this case. Says the defendant Mohammed Ahmed Abu Naga "when there is an inspection in the prison, they stand us in rows putting our hands up and looking to the walls otherwise you will be beaten. I myself had been beaten before due to my rejection." While the accused Abdul Rahman Mu'taz Abdul Aziz said "I want to say that in the prison they cut my clothes into pieces and took it, the treatment is so bad".

At the level of the health-status, the prosecution's investigation papers reveal that 34 detainees have complained about the poor health conditions inside the prison and the poor response of the prison administration towards them, even towards those suffering from chronic diseases.

"I am complaining of thyroid gland and I have not given my medication for 42 days," said defendant Hamouda Mohammed Mustafa. Whereas defendant Yasser Elnaboy Abd Elrazek "I am sick and I have a diabetic foot and I bone wound as well. I want to see a blood vessel doctor."

The wife of the accused, Naji Abdullah, also complains of her husband's health, saying, "I knew that Naji was very tired and that he had done two operations, but I do not know them. And I brought a visitor's permit from the prosecutor but the prison's administration refused to make me see him."

The mother of the accused, Bilal Hassan, tells of the suffering that Bilal faces during his imprisonment in a high-security prison 2: "I have not seen my son for one year and a half, everything is forbidden

such as the clothes, the visit, the medication and the food. Belal got fungus but the prison's administration refused to give him the medication." Said the mother of the accused Belal Hassan.



With regard to restricting the right to visit and to get some walk, the statements of 70 of the 130 detained persons reveal the arbitrariness their families and they face to enjoy their right to visit, whereas other 12 defendant complaint of their right to get some walk is being violated by the prison's administration. The accused, Yaser Yusuf Mahmoud Abdel Jalil, said: "I have not seen my family for five months". Whereas The defendant Mohammed Ahmed Bakhit says in one of the investigations: "the prison not only does not allow me to get any visits but also teared the prosecution's permits." The accused Abdel Rahman Mohammed Abdel Fattah says: "I got some Ill-pills in my back because of the lack of exposure to the sun".

The papers also reveal the nutritional problems of the accused in this case. Forty-two out of the 130 accused have complained about the lack of food inside the prison and its low quality.

The defendant, Adel Mohamed Mahmoud, says: "I complained about the lack of food even I was fainted." The accused Omar Mohammed Shaaban said, "they give the six of us two bottles of water." The defendant Mohammed Hassan Abdel Tawab say "I complain of the

lack of food and the bread contains nails.”

Other complaints were corroborated by prosecutors in the prosecution’s investigations. Eleven defendants were found to have been held incommunicado for varying periods of time. Fourteen defendants complained of the administration’s abuse of their right to education, to pursue their education and to join their exams. “I have exams because I am in the fourth year,” said the accused Abdullah Mustafa Ashmawi. “I received a permit from the prosecution about the previous year, the prison did not accept it, and I am asking for a permit for the next year hoping to accept it.” whereas the defendant, Mohamed El Sayed Mohamed Fath El Din, says: “I am held incommunicado since I was imprisoned”. while defendant Nabil Ibrahim al-Desouki said: “I was not allowed to leave the solitary cell for eleven days”

As a way to protest against the whole situation and ill-treatment they face inside the prison, the papers show the announcement of 27 accused detainees on hunger strike as a picture of their opposition to these situations. “I am on hunger strike since Thursday because the prison did not allow me to visit,” said Hassan Mohamed Hassan Faraj, whereas the defendant Ayman Mustafa Abdelkader: “I am on hunger strike to protest against the ill-treatment in prison and the lack of food, daily walk outside the cell and prevent visits”. “I want to say that I am on hunger strike since last Thursday because of ill-treatment in prison.” Added “yesterday I was fainted because of I am on hunger strike.”

The testimony of the parents of the accused in the case also shows the abuse of the accused in particular in Tura prison high-security² also known as El-Aqrab prison 2. The mother of the accused Abdulrahman Mohamed Abdel Fattah student at the Faculty of Education, said: “I tried to bring the books to my son but the prison warders told me it should be stamped, so I went to the college to do so, when I came back to the prison the refused to take it again.” Whereas The mother of the accused Ahmed Adel Mohamed Mounir student at the Faculty of Law Zagazig University, says: “Ahmed after

*A picture contains some of the questions, which were asked to the investigation officer by the prosecutor:

Q/when did you start these investigations?

A/ by the beginning of the first crime, known in the case's file which was assassination trial of Poff Ali Gomma because many of the defendants were escaped.

Q/ in detail, how did you do your investigation?

A/ I did it using some help from secret sources whom I cannot give their names because this might cause dangerous for their lives, all their words were approved street-investigations.

Q/ who was with you during these investigations?

A/ I was the head of a group of ten officers, I am responsible for all these investigations.

The previous picture shows a part of the investigation that the prosecution conducted with the officer in charge of collecting the investigations in this case. The investigations show the officer's response to a question about his source in collecting the information as private sources. Although this was done by the officers working in investigation sector arguing their lives will be in danger. But with all these information and defendants involved in this case, the sources should be clear Which raises questions about the seriousness and whether it was based on real sources or fake.

Eighth: Child abuse

In addition to the violations that violated the rights of the accused in the case and the conduct of investigations, the details of the case have been severely violated by the legal framework of the rights of the child. The criminal treatment of children differs from adults. The Egyptian law and the International Convention on the Rights of the Child as well provide clear provisions to guarantee this right.

A child is considered to be anyone who has not reached 18 years of age.

Default Situation is Violation

According to the same article, the Egyptian Constitution committed the State institutions to establish a judicial system for child victims and witnesses. It provided that the child may be held criminally or detained only in accordance with the law and for the period specified therein and shall be provided with legal assistance. The child should not be in the same prison with adults. The Constitution also affirms the best interests of the child in all actions taken.

Article 3 of the Egyptian Child Act also guarantees a set of rights that children should enjoy. Article 3 states:

The right of the child to life, survival and development in coherent and cooperative family and in the enjoyment of various preventive measures, and to protect him from all forms of violence, injury, physical or moral abuse, nationality, neglect, negligence or other forms of ill-treatment and exploitation

In addition, the Convention on the Rights of the Child has established a number of restrictions on the criminal treatment of children accused of criminal offenses. Article 16 of the Convention states that no arbitrary or unlawful exposure to the child in his or her private life, family, home or correspondence, nor any unlawful interference with his or her honor or reputation, may be carried out.

Article (37) of the Convention also contains several provisions guaranteeing the convicted child his rights and guarantees to achieve his best interests

A

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age

B

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time

C

Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner, which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

D

Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

In direct contact with the family of Bilal Hassanein, the 148th suspect in the case, we confirmed that he had been subjected to

Belal Hassanien

Third grade secondary student

Date of birth 13 February 1999

He disappeared forcibly for 3 months

Accused of joining an armed group aimed at disrupting the provisions of the constitution and targeting the police and the army.

several violations, beginning with his arrest on 24 August 2016 till now, Bilal has been forcibly disappeared by the Egyptian police for three months subjected to a lot of torture during this period.

According to Bilal's mother " he was arrested and forcibly disappeared for 3 months while he was going to watch the match. When I saw him, he told me that he has been tortured while he was eye-covered for three months, when I first saw him he told me " I did not expect to live after all what happened" .

Bilal's mother also said that he was sick and needed special care. Said" my son was ill and spleen-removed, he has a disability on his left hand has not eaten for three month, yet he got a temporary Alzheimer and forgot numbers."



Mohammed Khaled Ibrahim

Third grade secondary student | Date of birth 22 January 1999

He disappeared forcibly for 45 days

Accused of joining an armed group aimed at disrupting the provisions of the constitution and targeting the police and the army.

Mohammed Khaled Ibrahim, another child, is a victim of Egyptian security services. Mohamed was

subjected to enforced disappearance for 45 days, tortured to force him to make false statements.

According to Mohammed's mother "my son was arrested when he was going to his lesson in 17th of September 2016, he was disappeared until he appeared in the prosecutor office in the second of November, and there were a lot of marks of torture and electricity on his right leg."



Conclusion and recommendations

This case severely violated the rights of the majority of defendants to a fair trial, such as ensuring that there is no physical or moral coercion to confess, and not to hide them forcibly, and to investigate the presence of their lawyers.

Despite the international conventions on the right of the accused to a fair trial and the confirmation of the Constitution and the Egyptian law on the guarantees that ensure the accused access to the trial and the conduct of investigations fairly, but the defendants in this case and other cases of terrorism still face these violations. As well as being held in pre-trial detention, suffering from poor conditions of detention in a high-security prison 2, which prevents them from seeing their families, preventing the entry of medicines to patients, and notes to students.

Therefore; Belady-Center and the Egyptian Front recommend the judicial bodies and concerned parties to:

1.We demand that the court considering the case issue a decision to re-investigate the case because it contains several violations that interfere with the conduct of investigations, and the adoption of minutes of investigations on purely information from anonymous sources, which raises doubts about its validity.

2.We recommend that the judicial bodies start a special investigation into practices that question the neutrality and independence of the prosecution and to encroach it as an indictment rather than an investigative authority. And to hold accountable those responsible for the enforced disappearances of the accused at the security headquarters and to force them to confess their convictions.

3.We appeal to the prosecution to intervene quickly to force the

administration of the high-security prison to improve the treatment of the accused in this case and other cases, open the visit to them and allow them to exercise.

4. We call upon the Egyptian Parliament to amend the arbitrary legislation issued after July 2013, which violated the guarantees of the fair trial of the accused and to criminalize the enforced disappearance in a clear and explicit text in the Egyptian Penal Code as an imprescriptible crime. And the signing of the International Convention for the Protection of All Persons from Enforced Disappearance of 2006.

5. We call on the National Council for Human Rights and the National Council for Motherhood and Childhood to declare their rejection of violations of the rights of the accused in this case and violations of the rights of children in this case and to protect these children from wasting their future.