



Follow-up report  
**on violations of  
the defendant's rights**  
**in the State Security Case 741/2019**



EGYPTIAN FRONT  
FOR HUMAN RIGHTS

---

## **Follow-up report on violations of the defendant's rights in the State Security Case 741/2019**

A report by  
**Egyptian Front for Human Rights**

[www.egyptianfront.org](http://www.egyptianfront.org)

[info@egyptianfront.org](mailto:info@egyptianfront.org)

Kounicova 42, Brno, 60200,  
Czech Republic  
+420 773 213 198

All printing and publication rights reserved under Creative Commons license 4.0

<https://creativecommons.org/licenses/by-sa/4.0/>



December, 2019

---



## **CONTENTS**

Case Facts	<b>6</b>
Violating the right of communicating with the outside world	<b>7</b>
Violating the right of not being subjected to torture	<b>9</b>
Violating the right to legal representation and defence	<b>10</b>
Prison violations	<b>11</b>



## Case Facts

---

The security forces arrested Rania Mahmoud ElGoweli, a housewife, from her home in Rehab on May 12, 2019. That was one day before arresting activist Mostafa Maher, brother of Ahmed Maher who is also an activist and member of the April 6 movement. On May 14, the security forces detained Haitham Muhamadeen, an activist lawyer, from Saft Ellaban Police Station where he was implementing precautionary measures as an alternative to his pretrial detention, pending the State Security case 718/2018 known as the “Metro Arrests” case which compels him to be present at the police station once a week. The three of them appeared before state security prosecution on May 16, on accusations of the participation in a terrorist group, misusing social media through contributing with the Muslim Brotherhood in organizing demonstrations during the African Cup of Nations, pending the State Security Case 741/2019.

This report monitors, through documentation and follow up with the defendants’ attorneys, the most prominent legal violations they experienced in connection with this case, starting from the moment of their arrest until their appearance before the prosecution and during the period of their detention renewal, during which the three of them were subjected to enforced disappearance, in addition to prosecuting them on an informal basis, torture, and the absence of the prosecution’s permission during their arrest..

### Information of the defendant’s pending trial

Name	Age	Profession	Governorate	Marital Status
Mostafa Maher Ibrahim ElTantawy	30	Designer	Cairo	Married
Rania Mahmoud Mohamed Mostafa ElGoweli	46	Accountant	Cairo	Married
Haitham Muhamadeen	35	Lawyer	Giza	Single



### **Violating the Right of Communication with the Outside World**

«Personal freedom is a natural right which is safeguarded and cannot be infringed upon. Except in cases of in flagrante delicto, citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation. All those whose freedoms have been restricted shall be immediately informed of the causes thereof, notified of their rights in writing, be allowed to immediately contact their family and lawyer, and be brought before the investigating authority within twenty-four hours of their freedoms having been restricted.»

#### ***Article 54 of the Egyptian Constitution***



Rania ElGoweli stated that she was arrested at noon by five persons dressed in civilian clothes, who also confiscated her laptop and tablet in addition to some of her books, that was in the presence of her daughter. Goweli said that the arresting authorities searched the apartment and checked her personal phone, and that the confiscated books were a selection of the political genre. The defendant was not presented to the prosecution until four days after her arrest, and she spent them in the police station of the first settlement, which is in violation of the right to appear before the prosecution within 24 hours of her arrest.

As for Haitham Mohammadin, he stated that the “The police station I am affiliated with is ( Saft al-Laban Station in Giza), where I implement my precautionary measures, called me on May 12, 2019, saying that there is a problem with my measures, and that they are reduced to be one day instead of two days. I went on May 13th and was arrested in front of the police station.” It is worth

noting that Mohammedin was serving precautionary measures (he goes to the police station several times a week) as an alternative to his pretrial detention pending the state security case 718/2018 following his release after spending 5 months in prison for being accused of participating in a terrorist group and inciting protests in the underground.

While Mostafa Maher said that he was arrested on May 14 from his place of residence in Katameya, in the third settlement, by men dressed in civilian clothes (carrying weapons). They confiscated his mobile and laptop. He was told that the interrogation would not take only half an hour and then he could return to his house, which did not happen. He was kept in the third settlement's police station and then moved to the fifth settlement's police station, before being presented to the prosecution two days later. It is worth noting that on May 15, the head of the New Cairo Prosecution refused to receive a report filed by Mostafa's family stating that he had been forcibly disappeared, which led his family to file the report at the Public Prosecutor's Office.

Name	Location of arrest (According to the defendants)	Date of arrest (According to the defendants)	Date of Presentation before the prosecution	Duration of Forced Disappearance	Place of Forced Disappearance
Mostafa Maher	His Home in New Cairo (Third Settlement)	14/5/2019	16/5/2019	2 days	Third Settlement Police Station then the Fifth Settlement
Rania Mahmoud ElGoweli	Her Home in New Cairo (Rehab City)	12/5/2019	16/5/2019	4 days	First Settlement Police Station
Haitham Mohammed	Outside Saft ElLaban Police Station in Giza	13/5/2019	16/5/2019	3 days	Saft ElLaban Police Station



## **Violating the Right of Not Being Subjected to Torture**

«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 arrested and confined in designated locations that are appropriate according to humanitarian and health standards... Any violation of the above is a crime and the perpetrator shall be punished under the law.»



### ***Article 55 of the Egyptian Constitution***

Haitham Mohamadin reported that he was exposed to threats and abusive slurs during the interrogation by State Security officers at the time of his enforced disappearance, while Mostafa Maher did not appear before any investigative authority during his two-day disappearance in the third and fifth settlements' police stations, where he was only sitting in the cell until the date of his deportation to the prosecution. Mostafa Maher commented on that saying, according to his lawyer, that the main reason behind his arrest is that he is Ahmed Maher's brother, who is the general coordinator of the April 6 movement. As for Rania ElGoweli, her lawyer reports that she was subjected to abusive cursing and other forms of cruel treatment which she refused to disclose to the Public Prosecution.



## **Violating the Right to Legal Representation and Defence**

«Questioning of the person may only begin once his lawyer is present. If he has no lawyer, a lawyer will be appointed for him.»

### ***Article 54 of the Egyptian Constitution***

After the three defendants appeared before the State Security Prosecution on May 16, 2019 which followed a period of disappearance, none of their lawyers knew that their defendants will be appearing before the prosecution that day, so the lawyers who were present with Rania ElGouwaili and Mostafa Maher are not their lawyer for this case. The prosecution allowed the presence of a lawyer who sought permission for presence during the first investigation session in order to enable the defendants of obtaining their right to a lawyer, which was not the case for Haitham Muhammadin as the lawyers discovered his presence in the building of the prosecution after the end of his investigation session, and the prosecution did not assign any lawyer to attend with him during the first investigation session.

The prosecution rejected requests submitted by the lawyers to release the defendants and decided to renew their detention, which is still upheld as these words are being written. As another extension of the violation of the defendant's right to communicate with their lawyers, during Mostafa Maher's presence in the Third Settlement Police Station for five days before being transferred to Tora Prison, those in charge of his detention refused to allow him a meeting with his private lawyer.



### **Prison Violations**

«Prison is a house for reform and rehabilitation. Prisons and detention centers shall be subject to judicial oversight. All that which violates the dignity of the person and or endangers his health is forbidden.»

#### ***Article 56 of the Egyptian Constitution amended in 2014***



At the present time, Mostafa Maher is serving a period of detention pending this case in Tora Prison. In the first two months following his imprisonment, he complained about being completely forbidden from exercising. He was locked in a very small solitary cell before the prison administration transferred four other prisoners to the solitary cell in which he stayed. As for Haitham Mohammadin, he spends a period of incarceration pending the case in Giza Prison, while

Rania Mahmoud ElGoweli spent the period of incarceration pending the case in Al-Qanater prison.



EGYPTIAN FRONT  
FOR HUMAN RIGHTS

---

**Egyptian Front for Human rights is a European Organization established in Czech Republic in 2017. The front works to improve the status of human rights in Egypt through research, advocacy and legal work in areas such as criminal justice.**