



EGYPTIAN FRONT
FOR HUMAN RIGHTS

Stifling the public sphere in Egypt

A Report on violations committed
against defendants held on
remand in 8 state security cases
for the exercise of their right to
organize, freedom of expression,
and peaceful assembly in 2019



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A report by
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Introduction.

Year 2019 has witnessed a number of grave events that jeopardized human rights in Egypt. This has appeared in the violations committed during the litigation process beginning from the moment of arrest reaching to the investigation session. This reflected a widening gap between rights granted by the constitution and the international conventions to which Egypt is signatory and their actual implementation within the Egyptian context.

Egyptian authorities are still repressing the rights of the citizens. New cases are opening to include huge numbers of researchers, political activists, lawyers, and journalists. This in addition to the random arrest of citizens who are not engaged in the public sphere only to find themselves in prolonged pre-trial detention with arbitrary detention conditions facing charges of joining a terrorist group or spreading false news.

The beginning was early 2019 when a number of defendants, after forcibly disappearing for months, reappeared in January in state security case 277/2019. They faced accusations of establishing a digital entity dubbed "Allahoma Thawra" that is working on a terrorist plan to incite chaos in the country. Following that was Ramsis station train crash that occurred on February 27th and resulted in 21 deaths. Protests broke out denouncing the government's neglect as a result to that. The reaction to these protests was the emergence of cases 488 and 1739 for the year 2019. This coincided with the media campaign launched by presenter Moataz Matar "You are not alone" which resulted in random mass arrests. Most of those arrested were released after months of pre-trial detention.



In May, security forces arrested a number of activists including international activist Haytham Mohamadeen and Moustafa Maher, also an activist and brother of the 6th of April movement founder. State security accused them of collaborating with a terrorist group to achieve its goals and misusing social media. They both were held on remand in State security case 741/2019.



Later on June 25th, Ministry of Interior announced the arrest of seven amongst are former parliamentary member Zeyad el elaimy, leader at alKarama party Hossam Mo'nes, economist Omar ElShenaity, and international activist Hassan elBarbary against the backdrop of dubbed "Al Amal (hope) cell. Sources indicate that Al Amal (hope) was a temporary name for a political coalition under which the aforementioned defendants and others wanted to run for parliamentary elections. This was before they were arrested and held on remand in state security case 930/2019.



And on September 20, the Egyptian authorities launched the biggest wave of mass

arrests against protesters, politicians, lawyers, journalists and many bystanders under Abd el Fattah el sisi regime. This came after the broadcasted videos of contractor Mohamed Ali exposing alleged government corruption and calling for mass protests against Abd el Fattah El sisi. Authorities responded with case 1338 for the year 2019 where number of defendants held on remand exceeded 2000, this according to a primary report conducted by Egyptian Front in October¹.

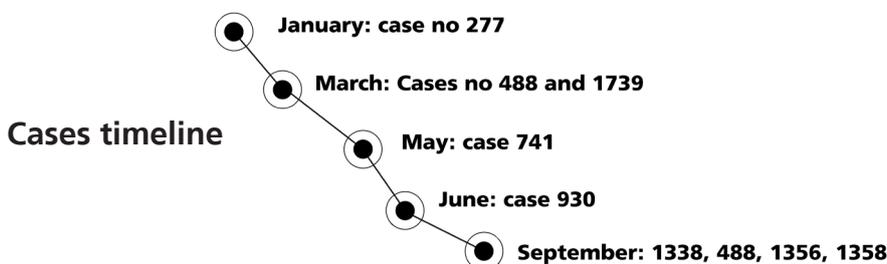
Egyptian authorities used the September 20 protests to tighten its grip on the public sphere. As a result, State security case no 488 known as "Ramsis train accident protests" resurfaced and a number of public figures and political activists were added to it. This includes rights lawyer Mahinour ElMasry who was abducted from in front of state security, lawyer Amr Imam, labour activist Kamal Khalil, political science professor Hassan Nafa'a, Hazem Hosni, journalists Khaled Dawood, Israa Abd ElFattah, Solafa Magdy and her husband Hossam El Sayyad. This in addition to researcher Ibrahim Ezz el din who forcibly disappeared for 6 months before he appeared and was added to the case along with satirical vlogger Shady Soror who, according to his followers, is not linked to the public sphere in any way².



In the aftermath of September 20 events, Cairo streets witnessed excessive presence of security forces. This included random stopping of passersby and illegally searching their phones. Meanwhile, the arrests have continued to include activist Alaa Abd elFattah who was apprehended as he was serving his overnight probation. Alaa was freed earlier this year after serving a five-year sentence only to be included in a new state security case 1356/2019. Also, his lawyer Mohamed elBaker got arrested and was included in the same case.



A number of Independence party members were also arrested against the backdrop of a statement published by the party in support of September protests. Even though the statement was deleted right away, security forces arrested most of the party public figures and were added to case 1358/2019, known in the media as "Independence party case" ³.



1 Egyptian Front for Human Rights, Facebook. Ongoing investigations and periodic updates. October 5, 2019. https://www.facebook.com/egyptianfront.org/posts/646172469122721?__tn__=K-R

2 Egyptian Front for Human Rights. News. The situation of youtuber Shady soror in case 488/2019. December 23, 2019. <https://egyptianfront.org/ar/2019/12/shady-soror/>

3 Arabi21. News. Mass arrests of Independence party youth and leaders. September 24, 2019. <https://bit.ly/38Yknpc>

In 2019, the number of state security cases mounted to nearly 2000 cases. Amid the lack of transparency and withholding information from the defense, Egyptian front was able to monitor and release a report on the situation of 131 defendants from a total of at least 2554 defendants. It is noteworthy that the number of September arrests as monitored by Egyptian Center for Economic and Social Rights only reaches 3763⁴.

This report monitors the violations inflicted upon defendants held pending trial in the aforementioned cases starting from the moment of their arrest, to investigations, and the conditions of their detention. These violations include depriving the defendants from their rights to personal safety, bodily integrity, proper legal representation. This report also monitors the conditions of the official detention facilities.

- **Number of defendants in 8 State security cases**

Case no.	Media name of the case	Number of defendants whose situation is documented	Min number of defendants in the case
1739/2018	-	14	32
277/2019	Allahoma Thawra/ (O God a revolution please)	12	37
488/2019	Train protests/ You are not alone/ Whistles	32	266
741/2019	El Amal cell/ Hope cell	9	81
1338/2019	September 20 protests	49	2097
1356/2019	-	3	5
1358/2019	Independence party	9	17
total	-	131	2554

4 September 30 arrests in 2019. Egyptian Center for Social and Economic. https://docs.google.com/spreadsheets/d/1MtnmLXnma3Dalo8fdWddbTuuCdv-RscnrV6oUjle2Tk/edit?fbclid=IwAR2UsX8c84vqAd_Cv0BXLaaBnzM6l_l0XFz05dElius7S1EX8mwOAIQECbk#gid=1088629803



Violating the Right to communicate 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.
- ◆ • Regulation of evidence collection • Protection from unjustified restraint
- ◆ All those whose freedoms have been restricted shall be immediately informed of the causes therefor, 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. Egyptian constitution.

This part monitors and documents enforced disappearances of defendants as indicated in their investigation record. According to the Criminal procedure code, defendants have to be brought before prosecution within the first 24 hours of their arrest. In case the defendant stated they forcibly disappeared, the prosecution has to hold an investigation since it is regarded as a procedural violation as per the criminal code. It is worthy to mention that Egypt has not yet signed the International Convention for the Protection of All Persons from Enforced Disappearance.

Egyptian front has earlier issued a statement on article no 40 in terrorism law that legalizes enforced disappearance⁵. After terrorism law was issued in 2015, security bodies now have the right to detain defendants for 14 days that can be renewed on condition of informing prosecution. However, Egyptian front has found that most of the investigated cases are not based on terrorism law where the date of arrest is changed to be one day before the commencement of the investigation. Also, prosecution ignores statements of defendants or their defense indicating that they were arrested on a date prior to the one stated in the investigation. This way, the crime of enforced disappearance is obliterated.

5 Egyptian Front for Human Rights. Egyptian authorities legitimizing enforced disappearance. December 11, 2018. <https://egyptianfront.org/ar/2018/12/terror-law-40/>

83

Number of defendants who stated they forcibly disappeared

Duration of disappearance

49

Between a week and a month

34

less than a week

Place of disappearance

8

Unknown

25

National security headquarters

22

Prisons and camps

28

Police station

On October 30, 2018, father of Fatma Gamal, accused in case 277/2019, filed a report to general prosecution accusing assistant detective Omar Sherif, Low-ranking police officer Mohamed Farag, and a third unknown person of arresting his daughter on September 30, 2018 and forcibly disappearing her for 119 days. The father states in the filed report that the accused «[broke the iron gate of our building and knocked on our door, when I opened the door they asked me about Fatma, they took her after I guided them to her room. Since that day whenever we ask about her in the police station, they deny withholding her. We don't know anything about her until this moment](#)⁶»

Wife of Khaled Abu Shadi, accused in state security case no 930/2019, sent a telegram to his workplace indicating his arrest on June 10, 2019 from Tagmoa. He forcibly disappeared for two weeks to appear before state security prosecution on June 25 during which he was illegally withheld in state security headquarters in El Abbaseyya⁷.



Defendant Abd el Sayyed Zayton, accused in state security case no 488/ 2019, stated during his first investigation session on March 30 that he forcibly disappeared for 7 days from 6-13 March. “[I was apprehended March 6, 2019 from my apartment after they broke the door while we were in there. They then took me to State security headquarters in Bur Foad](#)” added Abdo. These events were confirmed by telegrams sent by his family to general prosecutor, Ministry of Interior, and general attorney of Port Said prosecution⁸.

6 Annex 1

7 Annex 2

8 Annex 3



Violating the right to bodily integrity

- ◆ 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. 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

Article 55 of amended constitution 2014

The Egyptian constitution ensures complete adherence to human rights during investigations as detainees are regarded innocent until proven otherwise. Even though this article is very clear in the constitution, it is far from being enforced by Egyptian authorities. It is very apparent that violations inflicted upon defendants are systematic especially that cases now mostly include political activists. Torture and haze are used as tools for repressing and silencing dissent.

The defense of 50 defendants in the 8 investigated cases stated that they were subjected to torture at the hands of security forces during their arrest or in the period from their arrest to the commencement of investigations before prosecution.

In this context, torture is defined as physically assaulting the defendants, using electricity on them, treating them in an inhumane or degrading manner, forcing them to walk naked, threatening to torture them or any of their family members, depriving them from food, water, or any basic daily tools.

Mohamed Ibrahim Saleh, accused in state security case 1358/2019 known in the media as "the Independence party case", was physically tortured during his enforced disappearance period. He was beaten, electrocuted, blindfolded for a long period of time, and his hands were handcuffed backwards. He also stated during his second investigating session before the prosecution that those who held him in custody told

him what to say during investigations and threatened to torture him if he didn't.

Osama Abd elAl el Aqabawy, accused in state security case 930/2019 known in the media as " The hope cell ", stated that security personnel beat him and threatened to torture his daughter Mawwada during his detention in State security headquarters in Tagamo. This occurred after he was forced to turn himself in in order for this daughter to be released. His daughter was abducted when the security forces didn't find him in the house⁹.



Also, defendant Iman el Hlw , held pending trial in state security case 1739/ 2018, stated that she was handcuffed to a wooden bench during her arbitrary detention in Abdeen police station. Police officers refused to untie her, left her blindfolded for a long period of time, and threatened to spend her entire life in prison. Also, Hadeer Ahmed Ahmed, a defendant in the same case, stated that security officers handcuffed her to a wooden chair in Abdeen station and left her blindfolded.

9 Annex 2



Violating the right to a proper attorney defense

- ◆ All those whose freedoms have been restricted shall be immediately informed of the causes therefor, 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 amended constitution 2014

19 defendants out of the 131 whose legal status was documented in this report stated they were deprived of their right to be interrogated in the presence of a proper defense attorney. Even though this is a right stipulated by the law, the prosecution began the investigation of 19 defendants in absence of a lawyer; whether this lawyer is assigned by the accused or by the syndicate.

Journalist Mohamed Radwan aka Oxygen, accused in state security case no 1356/ 2019, was interrogated in absence of his lawyer during the first session. The prosecution didn't justify this legal breach in the procedures since the constitutions mandates that defendants should have legal representation during investigations, and in case a defense attorney was absent, the prosecution inform the syndicate to assign a lawyer to attend with the defendant.



Meanwhile in case 741/2019, the defendants were not able to communicate with their lawyers. In cases of Rania El Gwely and Mostafa Maher, their lawyer didn't attend the investigation but instead another lawyer, who was there by chance, excused the prosecution to attend with them their first investigating session. In the case of Haytham Mohamedeen, his lawyers discovered his presence in the prosecution building by chance after his session was over, and the prosecution didn't assign any lawyers to attend the session with him.



In state security case 1739/2018, defendant Ramadan Abu zayd stated from in front of state security headquarters that he was deprived from his right to have legal representation during his first investigating session.



Detention facilities conditions

Late December 2019, Egyptian Front issued a report on violations inflicted upon Al Qanater female prisoners. This was the time when 10 prisoners went on a hunger strike protesting against the inhumane treatment they receive inside the prison.¹⁰

Egyptian Front has previously issued a report on violations committed against women in cases 488 and 1739 for the year 2019. These violations include sexual harassment, rape threats, physical assaults, and absence of medical care.

Lawyers of defendants held on remand in case 1338/ 2019 which includes more than 2000 defendants complained from over crowdedness and absence of basic needs such as food and water, the right to communicate with family, and the right to a proper attorney defense.

Lawyers of defendants held on remand in cases investigated by this report state these violations are not the exception but rather a systematic pattern that is established inside these detention facilities. Violations committed against defendants held pending trial in case 1356/2019 are on the rise where activist Alaa Abd elFattah and human rights defender Mohamed el Baqer detained in Tora maximum security are deprived from exercising, reading, sleeping mattresses, having personal tools admitted to them. This in addition allowing Alaa abd el Fattah to visit only from behind a separating glass partition.

¹⁰ Egyptian Front for Human Rights. Forgotten in alQanater: A Report on detention facilities. December 23, 2019. <https://egyptianfront.org/ar/2019/12/forgotten-in-al-qanater-statement/>

Conclusion

This report has focused on 3 cases out of 3000, which is relatively a small number, only to give a brief on the policies adopted by the state towards the opposition. This report attempted to shed the light on the situation of a number of defendants held on remand in these eight cases.

Even though this report doesn't include all defendants in these cases, we cannot deal with cases reported here as an exception. We cannot disregard the systematic and repeated violations that are similar across cases and not consider it as a pattern undertaken by the state to achieve a political agenda.

Hence, Egyptian Front calls upon Egyptian authorities to close these cases that withhold huge numbers of defendants with no real accusations, most notably state security cases no 488 and 1338 for the year 2019. Also, we call on Egyptian authorities to adhere to human rights stipulations, and to refrain from arbitrary pre-trial detention. Egyptian front reassures that transitional justice, community participation, and safeguarding human rights are the most efficient ways to create a democratic public sphere.

Annex 2: A telegram send from Khaled Abu Shadi's wife to the board of his workplace indicating his arrest on June 10, 2019.

الشركة المصرية للصناعات
(شركة مساهمة مصرية)

تلفرات (١٤ ألف)
(١ / ٤٤ / ٠٢)

مكتب
من
١٩ / ٧ / ١٢

رقم	كلمات	اريخ	وقت	الاحترام
٥٥٦٤٦٢٢	١٢٧	٢٠١٩ / ٦ / ١٠	١٦:٢٢	المصرية للصناعات صورة رسمية طبق الاصل
			طريق	
			ملاحظات	

يعلم الوصول
مدير شؤون العاملين شركة استرا زيتيكا مصر للصناعات الدوايه
المنطقة الصناعيه السادسه خلف مصنع سيجما تيك للدوايه مدينه 6 اكتوبر
مدينه 6 اكتوبر

تحيط سيادتكم علما بان زوجي | خالد احمد احمد ابو شادي تم القبض عليه بتاريخ 10 يونيه 2019 هو والسياره الخاصه بالشركه والموبيل من قبل قوات الامن المصريه وتم عرضه علي نيايه امن الدوله العليا بالتجمع الخامس بتاريخ 25 يونيه 2019 علي ذمه القضييه 930 لسنة 2019 حصر امن دوله عليا وهو محبوس علي ذمتها احتياطيا ونرجو من سيادتكم مخاطبه النيايه لبيان موقفه لحين استطاعتنا للحصول علي موقف قانوني له ونرسل لكم هذا حفا علي حقوقه الوظيفيه حيث انه يعمل بالشركه منذ اكثر من 17 عاما وكان مثال للالتزام والاداء المثالي للعمل وتفضلوا بقبول وافر الاحترام

سميه محمد خيرت سعد ت | 0111120883

عنوان الراسل: 276 منطقه د جنوب الاكاديميه ش توفيق الحكيم التجمع الخامس قومي 28204291200541

Annex 3: A telegram sent from the family of defendant Abd el Sayyed Zayton

السيد المستشار النائب العام بالقاهرة

تحية طيبة وبعد ...

تم القبض على / عبده السيد محمد زيتون

اليوم الاربعاء الموافق ٢٠١٩/٣/٦ الساعة ٣ الثالثة فجرا من منزله الكائن بورفؤاد برج دمشق الدور السابع رقم قومي ٢٧٢١١٢٦١١٠٠١٥٣

من قبل ضباط الأمن الوطني

وذلك بدون وجه حق او مبرر من القانون لذا نرجو سيادتكم لاتخاذ اللازم قانونيا حيال ذلك خوفا من تلفيق اي تهم له .

وتفضلوا بقبول فائق الاحترام والتقدير ..

Annex 4: Minimum number of defendants in 7 state security cases as monitored by Egyptian Front.

Case no	Total defendants	Males	Females
277/2019	37	27	10
488/2019	266	239	27
1739/2019	32	27	5
471/2019	19	17	2
930/2019	81	71	9
1356/2019	5	5	0
1358/2019	17	16	1
Total	457	402	55

Annex 5: Most notable prisons and the number of defendants held in each

Prison	Number of defendants
El Mahkom	253
Qanater Prison	51
Mazra't tora	35
Tora	18
El Giza	8
El Fayyoun	7
Bolaq	7
Meet Ghamr	5
El Sharkeya	4
Al Aqrab maximum security	4



EGYPTIAN FRONT
FOR HUMAN RIGHTS

Egyptian Front for Human rights is a European Organization established in Czech Republic in ٢٠١٧. The front works to improve the status of human rights in Egypt through research, advocacy and legal work in areas such as criminal justice.