



A follow up report

ON **VIOLATIONS** OF
THE **DEFENDANTS'**
RIGHTS

in the state security case

1356/2019



EGYPTIAN FRONT
FOR HUMAN RIGHTS

A follow-up report on violations of the defendants' rights in the state security case 1356/2019

A report by
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An overview of the case

A raging security campaign was launched by the Egyptian authorities in reaction to the protests that took place in Egypt on September 20, 2019. The protests broke out in several governorates, generating a huge wave of arrests exceeding two thousands persons, according to the Egyptian Front for Human Rights through assessing the number of defendants brought before the prosecution until the beginning of October 2019. Most of the arrests were random, as Cairo witnessed arrests carried out after random inspection, especially in the downtown area, while journalists, activists, lawyers, and human rights activists were also targeted in the campaign, they were accused in varying cases¹.

The state security case 1356/2019 began with the detention of activist Alaa Abdel Fattah in the Dokki Police Station on September 29 while he was implementing the police parole issues against him, he was transferred to the state security prosecution in the fifth settlement. When his lawyer Mohamed Al-Baqer headed there, he was also arrested for them to be both defendants in the same case, the prosecution accused them of joining a terrorist group, spreading false news, abusing social media through publishing lies as well as financing a terrorist group. The prosecution made the accusations and sources of investigation anonymous, according to the defendants' lawyer the nature of this terrorist group or false news were not revealed². It should be noted that the investigations with the defendants were not completed, despite the lapse of 3 months since the beginning of the first investigation.

This brief report monitors the legal situation and detention conditions of three out of the four defendants pending the case; Alaa Abdel Fattah, human rights lawyer Mohamed Al-Baqer, and journalist Mohamed Ibrahim Mohamed Radwan (oxygen) in an attempt to shed light on the nature of the violations they have been subjected to since their arrest until the writing of this report.

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

2 AlHurra, News text. The arrest of an Egyptian lawyer while attending the investigation of the activist Alaa Abdel Fattah. September 29, 2019 shorturl.at/fknIO



Source: fj-p.com

Violating the right to personal safety

"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 there for, 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

Activist Alaa Abdel-Fattah had lodged a complaint to the National Council of Human Rights in which he spoke about the nature of the parole system, which obliges him to spend 12 hours a night in the police department, which deprives him of the right to live with his son, and his right to obtain appropriate work, especially after spending five years inside prison. He has stated that the surveillance hours were not without violations and threats to imprison him again. His complaint shed more light on the situation of those placed under police surveillance, especially those with political backgrounds, the Egyptian front had previously published an analytical report on police surveillance under the title dual punishment, demonstrating the mechanism of legal violations of the parole system. One of the most important violations is forcing those under surveillance to spend their parole hours in the police department, despite the fact that the law does not impose that, with an exception to those who do not have a known place of residence. It was only until a few months ago that the threat of imprisonment became a reality as Alaa Abdel Fattah was referred to the prosecution, pending a new case against the backdrop of the September 20 protests³.

When Human Rights Lawyer Mohamed Al-Baqer went to the supreme department of state security as a legal representative of Alaa Abdel Fattah he was arrested to be accused in the same case, on the backdrop of the September 20 protests which sparked a wave of arrests against activists and humanitarians, some view these protests as an excuse to arrest more and more activists.

³ Masr AlArabia, Press release. Alaa Abdel-Fattah complains about the National Police Human Rights Watch. April 17, 2019 shorturl.at/owSW7

As for Journalist and Blogger Mohamed Ibrahim Mohamed Radwan nicknamed "Oxygen", he was arrested inside Bastin Police Station on September 21 while implementing the precautionary measures ruling against him as he was convicted in case 621/2018. He was deported to one of the state security headquarters and he only appeared before the prosecution on October 8, which is after 18 days since his arrest, in violation of the criminal procedures law which stipulates that the defendant must stand before prosecution during 24 hours from the moment of his arrest, and that the arrest report should be written in the same day of his actual detention.



Source: dw.com

Violating the right to humane treatment and freedom from torture

Egypt has signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which defines torture in Article 1 as: "Any work that results in severe pain or torture, whether physical or mental, willfully inflicted on a person with the intent to obtain from this person, Or from a third person, based on information or confession, or punishing him for an act that he or he suspected to have committed, he or a third person, or intimidating or forcing him or any third person."

Alaa Abdel-Fattah stated during his interrogation session before the prosecution that he was subjected to multiple violations within the framework of what is known as the "reception", as soon as he arrived at his current place of detention, which is Tora Prison, his place of detention, where he was welcomed by being blindfolded, forced to take off his clothes except for underwear and then walking amid those responsible for his detention while receiving a torrent of swearing, insults and slaps. He is prevented from buying clean water or obtaining food despite his clarification to the prison doctor that he suffers from kidney problems, according to his sister Mona Seif⁴.

The situation was not different for Human Rights Lawyer Mohamed Al-Baqer, as his family had reported in a FaceBook page entitled [Freedom for Baqer](#), that the prison administration denied him access to clean clothes or the use of toiletries or bathing, as well as denied him access to food or clean water. He was subjected to the same mechanism of "reception" as the prison authorities

⁴ Mona Seif. Facebook. Update the status of Alaa Abdel-Fattah. October 10, 2019 https://www.facebook.com/Monasosh/posts/10157498444304454?_tn_=H-R

forced him to undress, walk while hunched over , and be subjected to insults, swearing and slaps⁵.

As for Journalist Mohamed Radwan, his lawyer stated that he was also blindfolded and handcuffed from his back throughout the period of his unofficial detention in a state security headquarters, which exceeded two weeks, in addition to being subjected to threats and insults by those in charge of his detention.



Source: bestlawyeruae.net

Violating the right to legal representation

The investigation with the defendant begins only in the presence of his lawyer, if he does not have a lawyer, a lawyer is assigned to him. In all cases, the accused may not be tried for the crimes for which imprisonment is permitted, except in the presence of a lawyer or a delegate.

Article 54 of Egypt's constitution



Mohamed Oxygen

Journalist Mohamed Oxygen was deprived of his right to have legal representation during his first investigation session before the prosecution, the prosecution did not explain this legal breach in the procedures, as the constitution stipulates the necessity of the presence of a lawyer during investigation with the defendant, and in the absence of that, the prosecution sends to the lawyers syndicate to hire a lawyer who should attend with the defendant.

5 Freedom For Baeer Facebook Page, Al-Baeer demands his transfer from Scorpion Prison 2. October 10, 2019 <https://www.facebook.com/120128822725414/photos/a.120232866048343/122033195868310/?type=3&theater>



Source: egyptianstreets.com

Violations inside places of detention

Activist Alaa Abdel-Fattah, and human rights lawyer Mohamed Al-Baqer spend their detention inside the highly-guarded prison 2, which is called “Scorpio Prison 2”, while journalist Mohamed Oxygen spends his pre-trial detention in Tora Prison. Mohamed Al-Baqer and Alaa Abd al-Fattah complain of being prevented from exercising, being confined in isolation, deprived of going out or being exposed to the sun, and being completely isolated from the outside world as they are also denied access to books - as well as prevented from writing or correspondence or any type of newspaper, external food, toiletries, as well as the radio, in addition to being deprived of purchasing any of their needs from the prison canteen, adding to that that the prison administration’s refuses sending them to the hospital despite the prosecution’s permission to do so, which contributes to endangering their health in light of the arbitrary detention conditions.

Alaa Abdel-Fattah particularly complains of the mechanism of visitation, which takes place through insulating glass and using the phone to talk to his visitors. He also complains of being deprived of the right to know the timing, which gives him an amplified sense of isolation, a matter shared with the rest of the detainees in the highly guarded Scorpio Prison. The prosecution has agreed to allow inside a watch for Alaa but the prison administration has been instringent and refused the request.

Al-Baqer has also complained about the polluted prison water, which caused his health condition to worsen, as he suffers from a history of kidney stones and salts. In addition to his complaints of unsanitary food which is also in poor quantities. Regarding bed supplies, he was only supplied with a blanket, and no bed, mattress, or pillows, and he has to lay down cartons on the floor to be able to sleep, which is a heightened situation in winter.



Alaa Abd Al-Fattah



Mohamed Al-Baqer

Al-Baqer and his fellow inmates were only allowed the usual white clothes of prison which do not protect from heat or keep them warm in winter, that being that were also denied getting any clothes from outside, in addition, the cell block they are kept in does not see any light except for a slight shadow.

As for hygiene, and the cleanliness of the detention place, it is evident that the prisoners pee in the same room where they are detained and they are not provided with any personal hygiene tools as well as being denied to obtain them through the canteen or through visits from their families, which makes the living situation impossible.

It is worth mentioning that the fourth defendant in this case is Hamed Sayed Sedeek Mekki, a former PhD graduate in the National Institute for Research and also a law graduate, he is detained with Alaa Abdel Fateh and Mohamed Al-Baqer, subsequently suffering the same deteriorating state of detention.

The Egyptian Front has issued a [statement](#) regarding the highly guarded prison 2 which included the legal violations suffered by Alaaa Abel Fateh and Mohamed Al- Baqer, including them being denied the right to exercise and restricting their visitation time to be only 15 minutes despite that they are legally allowed an hour, the Egyptian front considered that the violations faced by the human rights activists are not exceptional.

Conclusion

This report monitors the violations of three defendants in connection with the case, which is one of several cases started against the backdrop of the September 20 protests, in order to provide a record of violations in personal safety by arresting people without clear charges, as well as violating the right to legal representation during the first investigation session , As well as violating the right to bodily integrity by subjecting the defendants to physical and psychological torture, in addition to violations that occur inside places of detention in violation of the Code of Criminal Procedure. Therefore, the Egyptian Front demands the necessity of disclosing the sources of investigations, completing investigations, and the immediate release of all defendants in this case because there is no real need to restrict their freedom, as well as the importance of allowing monitoring of places of detention through independent organizations, and not pseudo monitoring that is made out to show an ideal picture of the prison system, which contradicts with many claims.