



A Follow-up report
**on the state security case
1358/2019 known as
the Independence
Party Case**



EGYPTIAN FRONT
FOR HUMAN RIGHTS

**A Follow-up report on the state security case 1358/2019
known as the Independence Party Case**

A report by
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The case started following the events of September 20, when a wave of protests demanding the departure of current president Abdel Fatah ElSisi, which was followed by a wide wave of arrests that included activists, lawyers, journalists, as well as citizens not involved in any political activities. Following September 20, which witnessed several night demonstration in different places and governorates, the Independence Party issued a statement calling on the Egyptians to rally on Tuesday to demand the departure of Abdel Fattah El-Sisi, and that statement was followed by a change in the date to be Friday instead of Tuesday in Tahrir Square in order to unify The parties involved, and against the backdrop of that statement came a large wave of arrests of members and leaders of the Independence Party.

The arrests of many party members, most of them key leaders, started on September 23, 2019, when the party's Secretary General Magdi Koror, and the Secretary General Commissioner Ahmed El Khouly and the party's Secretary Mohamed Al Amir, as well as Sahar Ali, a member of the legal committee of the party, lawyer Sahar Ali, were arrested. And some members of the party's executive committee, including Ibrahim Khedr, Ahmed Donia and Ahmed Al-Qazzaz. The arrest campaign also included Najlaa Qalioubi, wife of the party leader Magdi Ahmed Hussein, who has been detained since 2013, as well as the party's secretary of organization in the Gharbia governorate Ihab Juha¹.

They began to appear consecutively before the prosecution on September 26, the security forces forcibly disappeared some of the accused, and illegally held them against the criminal procedure law. The party members now face a number of accusations, including joining a group founded in violation of the law, and spreading false news, while the prosecution kept the name of that group anonymous.

This report monitors the legal status and detention situation for 9 defendants detained on account of this case, that is in an attempt to shed light on the case and the course of litigation it follows, while pointing out legal and humane violations that the defendants are subjected to.

1 Arabi, news text, a large campaign of arrests against the leaders and youth of the Egyptian Independence Party, September 24, 2019 <https://bit.ly/2RHmKG4>



The Right to Personal Freedom

“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

During the wave of arrests that centered on the Independence Party members against the backdrop of the party’s statement, 25 people, most of whom were key leaders in the party, were arrested, some of whom were charged only with carrying the party’s membership card, and although the main reason for the arrest of party members was the statement that was issued, and although the arrest came after the statement was deleted, the prosecution made charges that did not include that as they were accused of joining a group that was founded against that law, without mentioning its name, as well as spreading false news.

According to the testimonies of the lawyers attended with the accused, 4 of them were arrested illegally from their homes without approval by the prosecution, Muhammad Magdi, Ali korkor, Naglaa Kamel al-Qalioubi, Sahar Ali Ismail and Abd al-Hadi Abd al-Hamid Tageldeein. Muhammad Ibrahim Saleh, 20, was arrested from the street from Mansoura on October 30, and he did not appear before the prosecution until December 3, and thus he was forcibly disappeared. According to the lawyers, Mohamed Ibrahim Saleh was arrested only for carrying the party’s membership card, which is not considered a crime punishable by law. The arresting scenario of Mohamed Ibrahim is similar to at least ten other suspects who were arrested because of their inclusion in the party’s membership lists, despite that their roles and activities had been frozen, and their ignorance of the party’s statement that caused the arrest campaign against party members.

Sahar Ali Ismail was also subjected to enforced disappearance, where she was arrested on September 23 and did not appear before the prosecution until September 28, after five days since her arrest. Likewise, Abdel Hamid Abdel Hadi Tageldeen was subjected to enforced disappearance for a week, where he was arrested on 23 September and was not brought before the prosecution until September 30. It is clear that 13 out of the 25 accused, at least, were subjected to enforced disappearance for a period that varied from one week to a month, before they were presented to the Public Prosecution for investigation.



Sahar Ali



Source: dw.com

Violations inside places of detention

As for the places of detention during enforced disappearance, those who were subjected to forcible disappearance reported that their places of detention were in the headquarters of the State Security, in Cairo's Abbasiya, Sharqia, and Mansoura, and after the accused appeared before the prosecution, the men were transferred to Tora Prison, while the women were referred to the Women's Prison in Al-Qanater Al-Khayriyya .

Women in Al-Qanater prison complained of poor quality of food, they reported at the last renewal session that the prison refuses to improve the quality of food and refuses allowing them cook their own food, following an incident where more that 20 female prisoners suffered food poisoning due which prompted some of them to go on a hunger strike, and only drink water or milk.

There is another aspect of torture that Dr. Naglaa Al-Qalioubi is subjected to as she was placed in the women's prison of Al-Qanater al-Khayriyya despite her appeals that being at the age of seventy years, and suffering from several chronic diseases such as diabetes, high blood pressure, and joints pain, and given the absence of proper medical care in Qanater, all that would make pretrial detention to be more than a precaution. On the other hand, Muhammad Magdi KorKor, Muhammad Ibrahim and Muhammad al-Amir complained of other medical conditions, as the latter suffers from heart problems.



**Naglaa
Al-Qalioubi**



Source: fj-p.com

The right to humane treatment and freedom from 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»

Article 55 of the Egyptian constitution

Most of the nine defendants were subjected to verbal threats and verbal abuse from the moment of their arrest until they were brought before the prosecution. However, they were not subjected to severe physical torture except in the case of Mohamed Ibrahim Saleh, who was forcibly disappeared, he said that he was beaten, electrocuted, and blindfolded for a long period of time in addition to being handcuffed from behind. He stated in the second session of his interrogation before the prosecution that those in charge of his detention had dictated the statements he said before the prosecution in the first session,, which he legally condemns, and that he had been threatened with torture if he did not do so, which is something that is punishable by law as well as making statements he said before void being that they were under threat or torture.

All of the defendants that we have documented with have been forcibly disappeared before being legally accused of any case, they had been kidnapped by individuals belonging to the state, they were not aware of the place of their detention, and denied contact with the outside world represented by visits from their families or defense attorneys, in addition to the inhuman conditions of the place of detention itself.



Source: bestlawyeruae.net

The right to legal representation

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

Article 55 of the Egyptian constitution

Four of the defendants were denied legal representation during the first interrogation session before the prosecution, they are Sahar Ismaeil, Mohamed Magdi, Ali Qorqor, and Mohamed Ibrahim Saleh. The lawyers started attending in the second session of investigations, despite the clarity of the constitutional article which stipulates for the crucial importance of having a lawyer attend the investigation and that in case of the absence of a lawyer, the prosecution must delegate one from the lawyer's syndicate.



Magdi Qorqor

Conclusion

This case began by targeting members of an existing political party, in response to calls for protests, claiming that these calls had been a direct threat to national security and like most similar state security cases, all defendants have been targeted, to be faced with repeated and loose accusations without real or concrete evidence, as well as being subjects of clear legal violation, which has become a basic pattern in the course of litigation in general, and litigation in political issues that relate to terrorism. This report attempted to shed light on the human rights situation of the defendants pending this case, which is similar to several other cases in this realm, beginning from the arrest, through unfair investigations, prolonged pretrial detention, and up to the stage of the trial, which takes years before reaching it.