

# 366 Days of Violations

A report on violations against dissidents imprisoned in five state security cases during 2020



2020



January



February



March



April



May



June



July



August



September



October



November



December



EGYPTIAN FRONT  
FOR HUMAN RIGHTS

# 366

## Days of Violations

A report on violations against  
dissidents imprisoned in five  
state security cases during 2020



EGYPTIAN FRONT  
FOR HUMAN RIGHTS

## **366 Days of Violations**

A report on violations against dissidents imprisoned in five state security cases during 2020

A report by  
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# A background on the cases covered in the report

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The human rights situation in Egypt continues to spiral in an unprecedented deterioration, which has started with President Abdel Fattah El-Sisi assuming power in 2014, markedly coinciding with a sharp decline in freedom of expression. The three branches of justice in Egypt; the Ministry of the Interior, the Public Prosecution, and the Judicial System are effortlessly working to arrest the largest possible number of political opponents, as they join forces to develop new mechanisms for pretrial detention and increase the detention periods of activists. Egypt's security forces are not only pursuing the opponents, but they are also targeting many workers in areas related to public affairs, especially journalists and human rights defenders. It is also conspicuous that in recent years the status of fair trial guarantees in Egypt have been steadily falling to pieces, as the investigation authorities and judicial bodies often work in a semi-cooperative manner to circumvent the law and hide procedural deficiencies in the litigation stages of political cases.

The number of cases investigated by the Supreme State Security Prosecution in 2020 has mounted to 1,120 cases, which counts as a slight decrease from the number of cases in 2019, that approximated to 1,900 cases. The cases of 2020, like previous years, have witnessed many human rights violations and, naturally, an increase in the number of detainees pending political cases, also the use of the policy of "recycling" the imprisonment of defendants pending other cases marked up.

The year started with a security campaign against a number of doctors and activists calling for developing the Egyptian medical sector coinciding with the public debate at the time, which was addressing the government's approach towards the spread of the Covid-19 pandemic, and these activists were included in the Supreme State Security Case 558/2020.<sup>1</sup>

The Supreme State Security Prosecution continued to adapt the "recycling" mechanism to keep its opposition under prolonged pretrial detention, in February and March several defendants were recycled to the Supreme State Security Case 810/2020.<sup>2</sup> Also in March, security forces arrested a number of

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<sup>1</sup> Oppression that is not hampered by the Pandemic: Follow-up Report on Violations of Rights of Defendants in State Security Case 558/2020, The Egyptian Front for Human Rights, May 5, 2020, Page last visited on January 3, 2021 <https://egyptianfront.org/ar/2020/05/violations-not-stopped-by-an-epi-demic-case-558-2020/>

<sup>2</sup> Recycling as a continuous pattern: a follow up report on the violations of defendants in State Security Case 810/2019, The Egyptian Front for Human Rights, June 1, 2019. Page was last visited on January 3, 2021. <https://egyptianfront.org/ar/2020/06/810-2019-fr/>

journalists, doctors and activists, and included them in the Supreme State Security Case 535/2020.<sup>3</sup>

Afterwards, the most prominent event in 2020 was the commemoration of the September 2019 protests that took place in several governorates and villages demanding the departure of President Sisi, in repercussion, the police forces deployed heavily in streets and squares, arbitrarily arresting several citizens, in addition to home raids. More than 1400 citizens were arrested during this period, according to the Egyptian Front, most of them are charged in the Supreme State Security Case 880/2020.<sup>4</sup>

By the end of 2020, the Supreme State Security Case 855/2020 materialized,<sup>5</sup> following the arrest of three leaders of the Egyptian Initiative for Human Rights which triggered a wide wave of local and international solidarity in addition to shedding light on the deteriorating human rights situation in Egypt. Case 855 counts as the topmost case in 2020 in terms of the practice of "recycling cases", as fourteen defendants who are already detained were charged in it during the last months of the year.

Because of the ongoing arrests on activists, criticisms against Egypt regarding the human rights file spiked; on the 18th of December, the European Parliament voted with a majority of 434 out of 685 members on a draft resolution urging its member states and the World Council for Human Rights to take firmer stances against human rights violations in Egypt. The parliament's decision included 18 recommendations, most notably, demanding the establishment of a long-term international mechanism to monitor the human rights situation in Egypt, imposing sanctions on the Egyptian regime, and prosecuting officials involved in human rights violations, in addition to the immediate release of political detainees.<sup>6</sup>

On the 21st of the same month, the American Congress approved renewing the Egyptian aid, in both its civil and military parts, but at the same time it suspended 75 million dollars from the aid on the condition of releasing political prisoners in Egypt, a condition that was never set before.<sup>7</sup>

In light of the large number of cases pending before the State Security Prosecution in 2020, as well as the difficulty of accessing information in general given the catastrophic status of human rights and the restrictions

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3 Follow up report on the violations of defendants in State Security Case 535/2020, The Egyptian Front for Human Rights, July 1, 2020. Page was last visited on January 3, 2021. <https://egyptian-front.org/ar/2020/07/fr-353-2020/>

4 Violations of defendants in State Security Case 880/2020, The Egyptian Front for Human Rights, November 2020. Page was last visited on January 3, 2021. <https://egyptianfront.org/ar/2020/11/880y-2020fr/>

5 Violations of defendants in State Security Case 855/2020, The Egyptian Front for Human Rights, December 3, 2020. Page was last visited on January 3, 2021. . <https://egyptianfront.org/ar/2020/12/855-2020-fr/>

6 Facebook, 2020. "Mada Masr Newsletter." Mada Masr. December 19. The page was last visited January 3, 2021. <https://www.facebook.com/mada.masr/photos/3848787945178313>

7 Facebook, 2020. "Mada Masr Newsletter." Mada Masr. December 23. The page was accessed January 3, 2021 . <https://www.facebook.com/mada.masr/photos/3858891664167941/>

imposed on human rights workers, it is extremely difficult to access all data of detainees pending political cases. The Egyptian Front tried as much as possible to monitor the conditions of political detainees, and was able to issue reports to follow up the situation of 222 defendants pending 5 supreme state security cases. The Front monitored the course of these cases from the moment the defendants were arrested, or their charges being recycled to other cases, through their appearance before the Prosecution Office for investigation of the charges they face, and up to the hearings for the renewal of their imprisonment. During these various stages in the cases, the Front monitored some of the violations that the defendants faced, as 187 out of the 222 defendants were subjected to enforced disappearance, 40 of them were subjected to torture and other cruel treatment, while 3 were subjected to violations of their right to defense and legal representation, and 21 were subjected to arbitrary frequent detention or recycling pending other cases.

**The most prominent charges against the defendants**

- **Joining a group that was founded in contravention of the law.**
- **Broadcasting false news.**
- **Misuse of social media.**

**The timeline for the cases**

- **March 2020**
  - Case 810/2020
  - Case 535/2020
  - Case 558/2020
- **August 2020**
  - Case 855/2020
- **September 2020**
  - Case 880/2020

	Case number	Media Name for the Case	Number of Documented Defendants
1	810/2019		10
2	535/2020		8
3	558/2020		24
4	855/2020		19
5	880/2020	Protests of September 20	161
	Total		222

The number of documented defendants in 5 supreme state security cases



# Violating the right to communication with the outside world

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1. No one shall be subjected to enforced disappearance.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

## Article 1 of The International Convention for the Protection of All Persons from Enforced Disappearance

The Egyptian government has so far refused to sign the International Convention for the Protection of All Persons from Enforced Disappearance, and also refuses to acknowledge that official of the Ministry of Interior often commits this crime, in addition to the fact that the media, which is almost completely owned by the security services, works in cooperation with some civil society organizations affiliated with the government to question the occurrence of this crime,<sup>8</sup> disproving any incidents of enforced disappearances.<sup>9</sup>

Despite that the provisions of the constitution and the Egyptian law are crystal clear on this matter, as the constitution states in its 54th article that “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 therefor, notified of their rights in writing, be allowed to immediately contact

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<sup>8</sup> Mohamed El-Sayed, 2019. “Al-Arabi for Human Rights”: Enforced disappearance is a lie invented by anti-Egyptian organizations. “Al-Youm Al-Sabea, December 12. The page was last visited on January 3, 2021 <https://www.youm7.com/story>

<sup>9</sup> Mohamed El-Sayed, 2020. “President of the Information Authority: There is not a single person in Egypt imprisoned without a judicial order.”. Al-Youm Al-Sabea, October 11. The page was visited on January 3, 2021. <https://www.youm7.com/story>

their family and lawyer, and be brought before the investigating authority within twenty-four hours of their freedoms having been restricted. Whereas, Article 36 of the Criminal Procedure Law 150/1950 stipulates that “The judicial officer shall immediately listen to the statement of the apprehended person. If the apprehended person fails to make a statement exonerating himself, the judicial officer shall, within a twenty four-hour period, refer him to the competent Public Prosecution. The Public Prosecution shall question the apprehended person within a twenty four-hour period then order the arrest or release thereof.” Despite these texts, the officials of the Ministry of Interior, on top of which the National Security officers, disregard them. Since the 3rd of July 2013, the recurrence of enforced disappearance has increased significantly until it has become a frequent pattern followed by the Ministry of Interior, while the Public Prosecution and the Supreme State Security Prosecution cover it up by not investigating the defendants’ claims of being subjected to enforced disappearance.

It is also worth noting that recently the security forces practice enforced disappearance through circumventing the law, using Article 40 of the Terrorism Law, which allows the investigating authorities to detain suspects for more than two weeks, which can be extended after issuing a seizure order from the Public Prosecutor. However, the implementation of this provision comes in a way that is marred by a lot of procedural errors, as the official papers of the cases do not include the “seizure order” mentioned in the law, but the seizure minutes are dated only one day before the date of being presented to the prosecution, while in this case, it should be dated two weeks before the date of being presented to the prosecution, in case the arrest was for a period of two weeks.

During the year 2020, the Egyptian Front monitored in the five cases covered in this report, that 187 out of the 222 defendants were subjected to enforced disappearance by officials of the Ministry of Interior, inside police buildings for periods ranging between a day and a month and a half.

The number of defendants in the five cases

222

The number of defendants who reported being subjected to enforced disappearance

187

Duration of Disappearances

Less than a month

176

More than a month

11

Duration of Disappearances

police stations

119

National Security Headquarters

44

security forces camps

20

Unknown locations

4

The following are some of the cases documented by the Egyptian Front of being subjected to enforced disappearance:

**Ahmed Magdy Fahmy:** After serving a three-year prison sentence pending the military case 148 and while in the process of finalizing the procedures for being released on July 21, 2019, he forcibly disappeared, to appear again on April 8, 2020 before the Supreme State Security Prosecution, and his arrest was recycled pending case 810/2019 after about eight and a half months.

**Amr Adel Abdel Sattar:** He was arrested on account of the case 558/2020 on July 13, 2020, while he was going to work, but he did not appear before the Supreme State Security Prosecution until August 18, 2020, that is, after a month and 3 days. He was at the National Security headquarters in Sheikh Zayed.



**Shaima Sami:** She was arrested from her home on May 20, 2020 in connection with Case 535/2020, her investigation began 10 days after on May 30, 2020, during this period she remained inside the headquarters of the National Security Agency in Abis, Alexandria.

It should be noted that the Egyptian government received five recommendations in the Universal Periodic Review (2019) urging for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, in addition to previous pledges from the government that it will sign the convention on its own, which has not happened so far.<sup>10</sup>

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<sup>10</sup> The Egyptian Front's analysis of human rights issues included in the nationstates' recommendations submitted to Egypt in the UPR on November 13, 2019. Egyptian Front for Human Rights. December 13. Page last visited January 3, 2021. <https://egyptianfront.org/ar/2019/12/upr-analysis/>



# Violating the right to bodily integrity and not being subjected to cruel treatment

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**Article 52 of the Egyptian Constitution** stipulates that “All forms of torture are a crime with no statute of limitations.”

“Every public official or employee who orders the torture of a defendant or does so himself to extort a confession shall be punished with temporary hard labor or imprisonment from three to ten years. If the victim of torture dies the statutory penalty is deliberate killing.” **Article 126 of the Penal Code**

The officials of the Ministry of Interior ignore these legal and constitutional texts as they insist on practicing torture in all its forms; physical and psychological forms as a tool to extort confessions, or as a means of intimidation and subjugation. In recent times hardly one case has been devoid of allegations of claims of torture, whether during their arrest or inside the headquarters of the National Security and police departments, it is deplorable that the Public Prosecutor’s Office does not move a finger towards these horrific allegations, turning them into key accomplices in these crimes by covering up for such practices.

In the last universal periodic review, Egypt received 26 recommendations, submitted by 25 countries, relating to torture and cruel treatment, most of the recommendations focused on calling on Egypt to ratify the Optional Protocol to the Convention against Torture and Other Cruel Treatment and to ensure that effective, credible and impartial investigations are conducted in all allegations of torture, while adopting a definition of torture in accordance with the Convention against Torture, and through cooperating with the

United Nations Special Rapporteur on torture, in addition to strengthening efforts to prevent and combating all forms of torture and ill-treatment, and ensuring accountability of those responsible for it, as well as impeding acts of torture and cruel treatment used to extort confession out of the defendants or to punish them, and finally to take legislative, administrative, judicial or other effective measures to prevent such an act.<sup>11</sup>

Among the 222 defendants scattered in the 5 cases covered in the report, 40 defendants were subjected to torture by the officers in charge of their detention or their seizure, without any reaction by the prosecution. The following are some cases of torture that have been documented:

**Aya Kamal El Din Hussein Sayed**, who is being held in pretrial detention pending the Supreme State Security Case 558/2020, was subjected to electric shocks, beatings and insults inside the headquarters of the National Security in Alexandria. She was interrogated seven times, which prompted her hunger strike until she was brought before the prosecution.

**Hanaa Muhammad Hasan Rizk**, who is in custody pending the Supreme State Security Case 810/2019, was also subjected to all kinds of torture during her enforced disappearance inside the National Security headquarters in Sheikh Zayed City. As they blindfolded her, electrocuted her in all her body and then a national security officer smacked her in her face with shoes and hands for a long time, accusing her of belonging to jihadist groups.

In the same case, child **(W.A)** was beaten and electrocuted to force him to confess to the charges held against him, until he gave up under the torture which started during his forcible disappearance inside the National Security headquarters in Sheikh Zayed. Most of the defendants in Supreme State Security Case 880/2020 were beaten during their arrest.



Gasser Abdel Razek

The executive director of the Egyptian Initiative for Personal Rights, **Gasser Abdel Razek**, was subjected to cruel and inhuman treatment during his detention in Torah Prison, as he told his lawyers during the interrogation session that he was held in solitary confinement, and that he was not allowed to deal with the prison canteen, adding that he felt cold after receiving only summer clothes. He slept on an iron bed without any mattress or cover except a light blanket, and the prison administration has confiscated all his personal belongings. He also reported that the prison administration shaved his hair completely while he was in prison.<sup>12</sup>

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11 IBID

12 "Gasser Abdel Razek is in danger and the Egyptian Initiative for Personal Rights holds the Public Prosecution Office fully responsible." Egyptian Initiative for Personal Rights. November 24, 2020. Page was last visited on January 3, 2021. <https://eipr.org/press>



# Violating the right to legal representation

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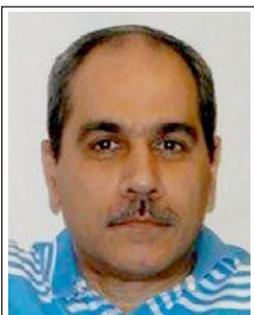


“Every person has the right to seek assistance from a lawyer of his own choosing to protect and establish his rights, and to defend him at all stages of the criminal process.”

“Persons who do not have lawyers shall have the right to of designated, experienced and competent lawyers to be appointed for them in consistence with the nature of the crime they are accused of, to provide them with effective legal assistance, in all cases where the interest of justice so requires, and without having to pay for this service if they do not have sufficient resource for that.”

**Articles 1 and 6 of the Basic Principles on the Role of Lawyers**

Three defendants whose cases were monitored by the Egyptian Front have been subjected to violations of their right to defense and legal representation, the first being **Hadeer Awad AlSayed Salameh** in the State Security Case 535/2020, where the investigation was conducted without the presence of a lawyer.



Muhammad Bashir

The second defendant is **Radwa Mohamed** in the Supreme State Security Case 855/2020, no lawyer was present either in the first interrogation sessions with her.

The third defendant is **Muhammad Bashir** in Supreme State Security Case 855/2020, where his detention was renewed for 15 days pending investigations without being brought from his detention.



# Recycling detention

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In June 2013, the Supreme Constitutional Court annulled a section of Article 3 of the Emergency Law, which stipulates: “The President of the Republic shall have the right, whenever a state of emergency is declared, to give a written or verbal order to arrest suspects or those who endanger security and public order, with a search warrant of persons and places without being bound by provisions of the Criminal Procedure Law.”

In the last few years, consequential to the Constitutional Court’s ruling and the abolition of administrative detention, the Supreme State Security Prosecution through concealed cooperation with the National Security Agency, has developed a new method of administrative detention in a different way, which is the recycling method. Recycling cases is a mechanism that takes place by including the defendants in more than one case at the same time, or interrogating them in relation to different cases following their release, or after the expiration of their prison sentences in other cases, thus the litigation process starts from scratch again, that happens to ensure that the defendants are detained for as long as possible without colliding with the legal periods of preventive detention, and the recycling process takes place in specific patterns as follows:

## **1- Imprisonment pending two cases since the beginning**

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## **2- Imprisonment pending a new case after spending months in prison**

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## **3- Opening a new case after being released for the first case**

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## **4- Imprisonment after release while serving measure**

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## **5- Imprisonment during the release phase after the execution of a prison sentence**

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## **6- Imprisonment while serving the police surveillance sentence**

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According to the Egyptian Front's monitoring of the year 2020, 21 people have been subjected to the recycling process where they are facing charges in other cases, most of them have been recycled to the Supreme State Security Cases of 810/2019 and 855/2020, the latter being the topmost case of recycling in 2020 in terms of the number of defendants. As 14 defendants were brought to custody, some of them after their release, and others while they were already in custody pending other cases. The following are some of the cases that the Egyptian Front has monitored :

**Mohamed ElSayed Shehata ElKholy:** He was arrested in 2014 and released four months later, but in 2016 he was arrested again after an in absentia order was issued against him sentencing him to three years in prison, and upon finishing his sentence in April 2019, he forcibly disappeared in Al-Azouli Prison to appear again in connection with a new case in the city of Ismailia, until he was released on December 19, 2019. Then he disappeared again in Al-Azouli Prison before being presented on February 1, 2020 pending case 810/2019.

**Muhammad Rabee Muhammad Awad:** He was released pending the Supreme State Security Case 385/2017 on November 9, 2019, but he remained forcibly disappeared before he was brought before the Supreme State Security Prosecution on April 21, 2020 pending the Supreme State Security Case 810/2019.



**Mahienour Mohamed Abdel Salam El-Masry:** She was kidnapped inside a microbus in front of the Supreme State Security Prosecution on September 22, 2019 while attending the investigations with the defendants in the September 2019 protests case, she was investigated and held in connection with Case 488/2019, then on August 30, 2020, the Supreme State Security Prosecution investigated her in connection with a new case; Supreme State Security 855/2020.



**Muhammad Hassan Al-Baqer:** He was arrested on September 29, 2019 while he was in the prosecution office to attend the investigation in legal representation of political activist Alaa Abdel-Fattah following his arrest. Al-Baqer was added as a defendant to the Supreme State Security Case 1356/2019, to join Alaa Abdel-Fattah in his charges. On August 31, 2020, during investigation with him, the Supreme State Security Prosecution charged him an account of a new case; Supreme State Security Case 855/2020.

# Conclusion

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This report sheds light on the deteriorating human rights situation in Egypt, specifically with regard to the authorities' treatment of prisoners of conscience. Considering the difficulty of enumerating all the violations they are subjected to, as the cases have mounted to hundreds. It is feasible that the significant samples covered in this report, of 222 defendants, who are divided between five supreme state security cases, may contribute to depicting a general view of the violations that any prisoner of opinion would be subjected to in Egypt. This premise is mainly based on the nature of the current context of the criminal justice system in Egypt, which was demonstrated in this report that human rights violations are systematically carried out as part of the arrest procedures and the detention process. The investigation and trial phase, as evidenced by the widespread use of the "recycling" policy.