



Annual Report 2020

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Belady Center for Rights and Freedoms

We are a non-governmental legal and human rights center composed of professionals of different disciplines interested in promoting and protecting human rights- with a focus on the criminal justice program, especially in children and women cases- through providing the necessary legal support.



Executive Summary

In light of the tenth anniversary of the January 25th Egyptian revolution and the seventh year since current president Abd Al-Fattah al-Sisi took office in 2014, Egypt still experiences complete restrictions on individual and public liberties and a shrinking of the civic space. Current authorities have adopted these restrictive measures to prevent repetition of the January 2011 scenario.

In the wake of the July 2013 statement and corresponding political transitions, new authorities escalated the use of violence during street demonstrations. Oppression exercised by authorities has existed in different forms. In addition to excessive use of force on the ground, the Egyptian regime has used the legislative branch as an instrument of repression. For instance, law No. 107 of 2013, known as the Protest Law, led to prosecution of thousands of citizens. There were also Laws No. 94 of 2015, known as the Terrorism Act; No. 175 of 2018; No. 19 of 2020, concerning conditional release (parole); and addition of the Code of Criminal Procedure amendment bill, which might add to the law “an emergency nature.”

These legislative changes have coincided with a remarkable increase in political detainees’ numbers in Egyptian prisons and police stations. Arrest, investigation, and detention procedures have been accompanied by a wave of serious violations of legal and human rights.

As a result of significant increase in numbers of detainees and overcrowding, living standards have deteriorated inside detention facilities, reflecting poorly on health care services. Egyptian prisons and detention facilities have become pathways to a slow death; prisoner’s death and disease rates have drastically increased.

This detailed report reveals methods of arrest observed by the Center’s data collection department in the cases of children and women. The first method adopted by the Egyptian authorities was “arbitrary arrest”, which is divided into two main forms: arrest and release without issuing any written record, and release with a written record. The second is selective arrest”, in which the regime targets a specific group of people, such as the targeting of the “Tik Tok girls” who were arrested successively and systematically under a flawed and controversial law. This method of arrest also includes people on duty, such as female journalists and lawyers. The last method entails arresting entire families, in addition to excessive use of force and breach of law.

This report addresses cases of citizens and oppositionists’ enforced disappearances, use of illegal detention facilities, and physical and psychological abuse carried out by security forces. It also uncovers certain patterns of enforced disappearance, as well as patterns of reappearance of disappeared women and children before the prosecution offices mainly the Supreme State Security Prosecution Office in Cairo. The report also sheds light on violations to detained children and women, especially amidst various political events in 2020. Most concerning, Egyptian authorities have exploited COVID19- containment measures to deprive detainees of their basic rights, such as visitation and health care. We also show how authorities manage healthcare personnel during the COVID19- pandemic, which can be described as “security” management, as reported.

Hundreds of Egyptian citizens were, arbitrarily and selectively, arrested during the first anniversary of the 20 September 2019 event and the demonstrations sparked by government demolition orders toward buildings constructed on disputed lands.

Finally, our annual report focuses on consistent medical neglect inside Egyptian prisons. For instance, four remand female detainees (**Houda Abd al-Moonem, Ala Karadaoui, Aisha Chater, and Aliya Aouad**) were subjected to all forms of violations inside official and non-official detention facilities. They were forcibly disappeared for varying durations, deprived illegally of their rights to visitation starting from the first day, neglected medically, held in solitary confinement for varying durations, and charged with another crime while being detained (rotation).

I. Introduction

“The basic philosophy of the Child Law is protection of a juvenile victim, not an offender. Recently, children under the age of 18 have committed numerous crimes, such as kidnapping, homicide, vandalism, armed robbery, rape, indecent assault, and terrorism. The spread of such crimes has reflected poorly on the security and safety of society. The purpose of this amendment is to safeguard national security and citizens.”

A member of the Egyptian Parliament when proposing to amend the Child Law

The precautionary measures to contain the spread of the COVID19- pandemic and the domestic conditions in Egypt made 2020 an exceptional year, especially concerning the status of human rights and the behavior of the criminal justice system towards women and children.

From a legislative perspective of the criminal justice system, countries around the world continue to raise the age of criminal responsibility¹. Meanwhile, the Egyptian Parliament has discussed amendment of the Child Law, calling for harsher punishment of children above fifteen years of age by amending Article No. 111, which stipulates:

No accused person shall be sentenced to death, life imprisonment, or forced labor if, at the time of committing the crime, his age did not exceed eighteen years. Without prejudice to the provisions of Article 17 of the Penal Code, if a fifteen-year old child or older commits a crime punishable by death, life imprisonment, or forced labor, he shall be sentenced to [ordinary] imprisonment. Furthermore, if the crime committed is punishable by imprisonment, he shall be placed in custody for a period of at least three months.

Law No. 19 was passed in 2020, which excludes those convicted of terrorism and unauthorized assembly from the possibility of parole. Amendments to the Code of Criminal Procedure are expected, as well. From an executive perspective, in light of the Ministry of Interior’s order to suspend visits for all detention facilities, Egyptian prisons have become completely isolated. Despite the spread of Covid19-, Egyptian security forces have illegally arrested hundreds of women and children, leading to overcrowding within the prisons. Detainees have not been allowed to send or receive letters, make phone calls, or obtain personal hygiene items-- in addition to intentional medical neglect and inhumane, degrading treatment. In this regard, the excessive use of solitary confinement is also worth mentioning: it is used not as a precautionary measure, but a punishment contradicting internal prison regulations. .

The Egyptian regime has extensively politicized the Covid19- pandemic and used it for security purposes. The health sector and Egyptian Medical Syndicate have not been included in the decision-making process concerning spread of the virus. Rather than reduce the number of detainees to prevent overcrowding, security forces have arrested many doctors and health personnel who criticized the state’s measures to combat the pandemic.

On an ex post facto basis, the government issued an unprecedented order to demolish all buildings it considers to have been illegally constructed on public land. To this end, the president vowed to deploy the army to remove those structures. This statement led to violent confrontations between citizens and security forces, who have already demolished numerous buildings. These events coincided with the call of businessman Muhammad Ali for mass demonstrations on the anniversary of the 20 September protests.

¹ <https://www.unicef.org/lac/media/2771/Plc/PDF20%Minimum20%age20%for20%criminal20%responsibility.pdf>

Security forces responded to this call with violence, repression, and mass arbitrary arrests.

Targeting of freedom of expression is not limited to political opinion. Rather, it has been expanded to systematic and successive targeting of Tik Tok users, sentencing them to prison under Law No. 175 of the year 2018, known as the Cybercrime Law.

Despite frequent excessive use of force and human rights violations, security forces have never been held accountable, putting independence of the judiciary into question. The assault on activist Ala Abd al-Fattah's family and arrest of his sister Sana-- in front of the pre-trial investigator's office-- mirrors collusion between the judiciary and regime.

As for detention, it often begins with enforced disappearance, which may occur in different forms. Security forces misuse remand detention to hold oppositionists behind bars indefinitely through the "rotation" mechanism. Instead of using remand detention to empower criminal justice, the regime is seeking amendment of the Code of Criminal Procedure to favor the state. The Egyptian legal system has never experienced such revisions in terms of quantity and quality.²

II. Methodology

All data used in this report is extracted either from primary sources and interviews with the victims and their families or through the center's legal department. The report also relies on secondary sources such as journals, news channels, and civil society organizations.

We have analyzed the forms of arbitrary arrest and sorted them into two categories:

Arbitrary Arrest: Mainly occurs in times of political instability, such as the September demonstrations and protests that followed adoption of the reconciliation law by the Egyptian government.

Selective Arrest: Targets political and civil activists, lawyers and journalists, and Tik Tok girls.

One of the most common violations reported inside the Egyptian prisons is medical neglect, which eventually leads to the prisoner's death. Neglect cases have been ongoing even at the time of writing. The report takes into consideration all international human rights conventions and agreements, such as Bangkok Rules (United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders)³; the International Covenant on Civil and Political Rights (ICCPR)⁴; the International Convention for the Protection of All Persons from Enforced Disappearance; the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; the Standard Minimum Rules for the Treatment of Prisoners⁵; the World Health Organization Egyptian Hospital Accreditation Program Standards⁶; and the World Health Organization guide to the essentials in prison health⁷.

We have also relied on the Egyptian constitution and national laws: the penal code, Criminal Procedure Law, Prisons Organization Law No. 396 of 1956, and the Child Law No. 126 of 2008.

² <https://www.vetogate.com/Section37-/%D%8B%3D8%9A%D%8A%7D%8B%3D%8A9/%D%85%9D%8A%D%85%9D%8AF-%D%81%9D%8A%4D%8A%7D%8AF-%D8%9A%D%8B%7D%8A%7D%84%9D%8A-8%D%8A%8D%8A%7D%8B%3D%8AA%D%8B%9D%8AC%D%8A%7D-84%9%D%82%9D%8A%7D%86%9D%88%9D%-86%9D%8A%7D%84%9D%8A%5D%8AC%D%8B%1D%8A%7D%8A%1D8%A%7D%8AA-%D%8A%7D%84%9D%8AC%D%86%9D%8A%7D%8A%6D%8A%9D%8A%-9D%8A%7D%84%9D%8AC%D%8AF%D8%9A%D%8AF-%D%8AD%D%8A%8D8%9A%D%8B%-3D%8A%7D%84%9D%8A%3D%8AF%D%8B%1D%8A%7D%8AC-%D%8A%8D%8AF%D%88%9D%-86%9D%8A%3D%8B%3D%8A%8D%8A%7D%8A3907934-8>

³ https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/299_65_Arabic.pdf

⁴ <https://www.ohchr.org/AR/ProfessionalInterest/Pages/CESCR.aspx>

⁵ https://www.un.org/ar/events/mandeladay/mandela_rules.shtml

⁶ <https://www.who.int/management/EgyptianHospitalAccreditationStandards.pdf>

⁷ https://www.euro.who.int/_data/assets/pdf_Ple/99018/0009/E90174.pdf

Research difficulties and challenges

- Difficulty of communication with prisoners / ex-prisoners and their families due to security concerns.
- Lack of information regarding conditions of detention centers, especially this year due to the closure of prisons which began in March 2020 following COVID19- precautionary measures.
- Lack of updates on a number of arrests, whether it be the detainees' legal statuses or conditions inside detention facilities.

Terms/Concepts

- **“Tablia” visit:** a visit in which the prisoner's family leaves food, clothes, or hygiene items for the prisoner without meeting him/her, and without registering it in regular or exceptional visits records.
- **“Rotation”:** a new term that means remand in custody of a prisoner-- once again (or more) pending a new case-- either after the decision to release him or during detention.
- **“National security Visa” or “National Security Presentation”:** an illegal procedure carried out periodically after completing all release procedures. The prisoner is presented to one or more officers of the National Security Agency, blindfolded, and seated on the floor in conditions intended to confuse and frighten him/her. Reports unanimously agree that it is a mixture of interrogation – usually for hours – by National Security officers about different stages of his/her life and certain persons; psychological (and sometimes physical) terrorism; and threats of abuse should the subject disobey officers' orders or requests-- which are often illegal. This became a common occurrence as prisoners were charged with new crimes in 2020.
- **“The Fridge”:** a room attached to the intelligence unit in police stations that is not designated for detention. It is often used for the forced disappearance and physical assault of detainees.
- **“Tayeen”:** food, or rations, provided by the prison to prisoners. Prison administration officials usually supervise prisoners as they prepare it.

III. Findings

First: Arrest without judicial authorization/arbitrarily

First: Arrest without judicial authorization/arbitrarily:

No specific text defines arbitrary arrest or detention. However, the Egyptian Constitution and Criminal Procedure Code set specific controls on the possibility of arrest, such as the existence of a judicial order regarding the reasons for arrest, or charges. Criteria for classifying arbitrary arrest have been drawn up, defined by the Working Group on Arbitrary Detention at the United Nations under Resolution No. 42 of 1991.

According to the cases we observed and documented, we have counted 79 women and 171 children who were subject to arbitrary arrest in 2020.

1) Arrest patterns

According to documentation of arrests in 2020, the patterns of arrest are as follows:

A) Arbitrary arrest

The center managed to monitor random arrests of three women and 47 children. The cases of their arrests were divided into:

- Arrest with reporting

Personal freedom is a natural right, shall be protected, and may not be infringed upon. Excluding a case of flagrante delicto, it is not permissible to arrest, search, detain, or restrict the freedom of anyone in any way without a reasoned judicial order necessitated by an investigation.

Article 54 of the Egyptian constitution, amended in 2014

Security forces resorted to intensive and systematic arbitrary arrests of citizens during political and social events. One such case was the first anniversary of the September 2019 ,20 events, called by businessman Muhammad Ali. This coincided with popular protests against the Reconciliation Law regarding what the Egyptian government considered accumulated encroachments of citizens on its lands. Al-Sisi publicly threatened citizens with demolition operations in the villages, resulting in skirmishes between affected citizens and those security forces involved in home removal.

As a result of this growing conflict, security forces-- pre-empting all calls for demonstration-- resorted to an intensive overt and covert deployment, arresting hundreds of citizens from several governorates in streets and squares, especially those of central Cairo, Giza, Suez and Alexandria. Furthermore, the forces repeatedly employed illegal methods, including examining cellphone contents and personal social media accounts, in search of political content to use as pretext for arrest. Many citizens were registered in Case No. 880 of 2020 and No. 960 of 2020, Supreme State Security. Similar to the largest case in Egypt's judicial history (No. 1338 of 2019)⁸, the citizens were accused of joining a terrorist group and misuse of social media.

The Belady Center was able to observe 166 children and 75 women who were arrested with a report.

- Arrest and release without a record

It is difficult to enumerate cases of arrest and release without a report. Also difficult is determining criteria used to select citizens, check their cell phones, and then detain or release them-- or detain them based on suspicion without checking their phones. All of those criteria are random and illegal Authorities have not issued any official statements about these crimes.

Despite presumption of the existence of judicial authorization during arrest, the reality of the current situation in Egypt makes it ridiculous to assume that security forces arresting citizens will in fact abide by this article, or even that the arrested citizens could ask for the arrest judicial authorization, which would lead to their detention or physical and/or psychological assault..

In addition, the judicial authority has never held security personnel accountable for violations of the law and constitution during arrests

Belady Center was able to report on three children and two women who were arrested then released without issuing a record.

⁸ <https://beladyrf.org/sites/default/Ples/02-2020/combinepdf29%282%20%.pdf>

B) Selective arrest

Contrary to arbitrary random arrest, selective arrest is when security forces arrest certain targeted persons, whether from homes or from the street, based on prior targeting. The following is a review of some observed violations practiced systematically by authorities to shrink the public space. There were also three observed cases of arrest and release without record.

Belady Center has observed and documented the selective arrests of 46 women and 55 children. Below are examples of those cases:

1) Medical and paramedical staff

At the time of this report, the COVID19- pandemic has resulted in the deaths of more than 1.75 million people and tens of millions more infected worldwide. As a result, some countries in the Middle East have chosen to alleviate prisoners' conditions, releasing tens of thousands of them, as has been the case in Iran⁹, Iraq¹⁰, Morocco and Jordan¹¹. In contrast, Egyptian authorities have chosen to continue detention of prisoners and even arrest more citizens for reasons including the expression of opinion about the pandemic and local authorities' approach to combat the spread.

Authorities have chosen to classify the pandemic as a security and political issue, resulting in the targeting of medical and paramedical staff by threat, constriction, and even arrest. For example, Dr. Alaa Shaaban Abdel-Latif was arrested from her workplace at El-Shatby Hospital in Alexandria on March 2020 ,28. She was presented to the Supreme State Security Prosecution in Cairo in case No. 558 of 2020 and charged with joining a banned group, misuse of social media, and spreading false news-- all because she reported COVID19- infections in the hospital. The doctor remained in pretrial detention for six months before being released by the Criminal Court with precautionary measures, which were cancelled later.

2) TikTok girls

During the crackdown on freedom of expression, the Egyptian President approved the flawed Law No. 175 of 2018¹² on combating cyber crimes¹³. Several national and international human rights organizations have criticized this law¹⁴ because it allows the Public Prosecution to impose unconstitutional and unlawful perceptions of the community/family values and use them to detain citizens and refer them to the criminal prosecution. The prosecution uses these perceptions as additional excuses for tougher crackdown on freedom of opinion and expression. Following similar exceptional laws adopted in the era of Al-Sisi, authorities closed down and censored many news and press websites.

Surprisingly, this was followed by successive complaints from some lawyers to the Public Prosecution office against a number of girls who own accounts on social media network "Tik Tok". Nine girls and women were arrested from April 22 to July 10, and they were referred to criminal trial in relation to different cases, with the same charges and an almost unified criminal case. Verdicts were issued against them by the Cairo Economic Court, with prison terms ranging between one and six years plus heavy fines. Court bodies responded to prosecution demands of charging the girls against all of Articles 25 ,22 and 27 these laws stipulate imprisonment for periods ranging between 6 months and three years and a fine between 50,000 and 300,000 pounds. Some cases are still being heard in the appeal misdemeanor courts at the time of this report.

⁹ <https://www.bbc.com/arabic/middleeast51730482->

¹⁰ <https://www.alaraby.co.uk/%D%8A%7D%84%9D%8B%9D%8B%1D%8A%7D-82%9%D%89A%D%8B%7D%84%9D%-82%9D%8B%3D%8B%1D%8A%7D%8AD%-20-D%8A%3D%84%9D-81%9%D%85%9D%88%9D%82%9D%88%9D%-81%9D%8A%8D%8B%3D%8A%8D%8A%-8D%83%9D%88%9D%8B%1D%9%88D%86%9D%8A7>

¹¹ <https://www.bbc.com/arabic/interactivity52219180->

¹² <https://www.shorouknews.com/news/view.aspx?cdate=18082018&id=5a9b44d6-4e4-79a5a-9314-eef9cff7decc>

¹³ <https://manshurat.org/node/31487>

¹⁴ <https://www.accessnow.org/%D%85%9D%86%9D%8B%8D%85%9D%8A%7D%8AA-%D%8AD%D%82%9D%88%9D%82%9D%89A%D%8A%-9D%8AA%D%8B%7D%8A%7D%84%9D%8A%-8D%8A%7D%84%9D%8B%3D%84%9D%8B%7D%8A%7D%8AA-%D%8A%7D%84%9D%85%9D%8B%5D%8B%1D8%9A%D%8A-9%D%8A8/#:~:text=%D%88%9D%83%9D%8A%7D%20%86%9D%8A%7D%84%9D%8A%8D%8B%1D%84%9D%85%9%D%8A%7D%20%86%9D%8A%7D%84%9D%85%9D%8B%5D%8B%1D8%9A%20%D%82%9D%8AF%20%D%8A%3D%8B%5D%8AF%D%8B1,%D%84%9D%84%9D%85%9D%88%9D%8A%7D%82%9D%8B%20%9D%81%9D%89A%20%D%8AD%D%8A%7D%84%9D%8A%20%9D%8A%7D%84%9D%8A%7D%8B%3D%8AA%D%8B%9D%8AC%D%8A7%D%20%84%9D%84%9D%88%9D%8AC%D%88%9D%8AF>

3) Targeting journalists

The authorities continue to prosecute journalists as part of their measures to restrict freedom of the press. Journalist **Shaima Sami** was arrested at her family's house in Alexandria on the evening of May 20 and forcibly disappeared for 10 days before being presented to Supreme State Security Prosecution in Cairo in the Case No. 535 of 2020. Her charges of "sharing the objectives of a terrorist group" and "misuse of social media".

A few days prior, security forces had also arrested Lina Atallah, editor-in-chief of Mada Masr, in front of Tora High Security Prison 2 Gate while she was conducting an interview with Dr. Laila Suef, mother of imprisoned activist Alaa Abdel Fattah. Authorities brought her to Al-Maadi prosecution office in Case No. 8009 of 2020 on charges of "photographing a military facility". She was released on bail pending trial¹⁵. Then, in June, security forces stormed the «Al-Manassa» news website office and arrested its editor-in-chief, **Nora Yunus**, claiming she was wanted by the Censorship on Artistic Works office. She was presented to Al-Maadi Partial Prosecution in Case No. 9455 of 2020 on charges including "creating an online account aiming to commit and facilitate the committing of a lawfully punishable crime" and "possession of programs designed and developed without the permission of the National Communications Authority". She was released on a fine of ten thousand pounds¹⁶.

Likewise, journalist **Basma Mustafa** was arrested on October 4 in Luxor while she was covering the Awamiya village events¹⁷. She was presented to State Security Prosecution in Cairo in Case No. 959 of 2020. A decision was issued for her imprisonment, but she was released two days after the decision.

C) Collective arrest of families

Adding to the repression, abuse of power, and spread of terror in the hearts of citizens, the security services have been following a newly adopted pattern of arrest: detention of entire families. In some cases, authorities aren't satisfied by the detention of just one or both parents; in some cases where they don't find the wanted person, they detain many family members as a means to pressure the fugitive to turn himself in. Belady Center hasn't observed any objection from the judiciary to these practices, which have become common in recent years.

We have observed 75 collective arrests, including 11 families who have been released, and four families that are still under forced disappearance at the time of this report. These families include about eighteen women and six children-- including a baby girl.

We also observed a type of arrest outside the above classifications that we call «**Violation Review**». An example of this is the arrest of **Sana Ahmed Saif Al-Islam Abdel Fattah**, sister of prisoner, activist, and software developer Alaa Abdel Fattah, in front of the Hamadeh El-Sawy Attorney General office. She was on her way to file a complaint of the assault she, her mother, and her sister witnessed in front of Tora High Security Prison 2, and to demand a letter from her imprisoned sister Alaa. Though it just may have been a coincidence that she was arrested in front of the Public Prosecutor's office by plainclothes individuals, the prosecution completely ignored the assault on the family. It also ignored her complaint to open an investigation into the incident and the injuries Sana suffered, in addition to critical holes in the report and investigation. These violations confirm both the prosecution's collaboration with security services in violating legal processes and the judiciary's implicit sanction of those violations.

These testimonies (and others) clearly show that security services have the upper hand in arrests, be they arbitrary or systematic. Security also controls decisions to release with or without a record. Meanwhile, the judiciary remains a supportive partner to security services in all matters related to detainees in political cases-- which Egyptian authorities continue to deny the existence of. Authorities rely on paperwork to handle detention: they assign the detainee a case number, prefabricated charges, a period of pre-trial detention, and perhaps another case in order to "rotate" the prisoner indefinitely¹⁸.

¹⁵ <https://www.facebook.com/mada.masr/posts/3225183560872091>

¹⁶ <https://www.almanassa.run/ar/story/15159?fbclid=IwAR1oGk2qxuLJ5U5mmZ1Ze3i0pjpPiw9gr0gXIXdKdOAYwCUZcBhArspiE0>

¹⁷ <https://www.facebook.com/mada.masr/posts/3635281306528979>

¹⁸ <https://www.beladyrf.org/sites/default/Ples/06-2020/%D%8A%5D%8B%9D%8A%7D%8AF%D%8A20%9%D%8AA%D%8AF%D%88%9D8%9A%D%8B1.pdf>

Second: Enforced disappearance

Article (2) of the United Nations Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance as:

The arrest, detention, kidnapping, or any form of deprivation of liberty, carried out by state officials, persons, or groups of individuals acting with permission or support from the state., is followed by either a refusal to acknowledge that deprivation or concealment of the disappeared person's fate or whereabouts, depriving him of legal protection

Egyptian legislators did not address the term 'enforced disappearance'. Moreover, Egypt did not sign the International Convention for the Protection of All Persons from Enforced Disappearance. When representing itself in the National Council for Human Rights and the ministry of the Interior, the state usually oscillates between considering it illegal detention, claiming that enforced disappearances are only done to jihadists who joined armed groups¹⁹ and were not controlled by security services.

Although Egyptian law does not define enforced disappearance, it touches on many violations such as detention in unofficial headquarters, isolation from the outside world, denial of legal protection, and facilitation of exposure to physical and psychological torture.

According to human rights and public affairs organizations, the frequency of enforced disappearance in Egypt has escalated since President Mubarak's reign in the 1990s²⁰.

The political upheaval in 2013 led to the National Security Agency's return to its pre2011- form. Its influence escalated after the latency period between 2011 and 2013. In 2015, the agency assigned Magdy Abd Al-Ghafar, a former high-ranking officer of the agency, as head of the MOI; consequently, the agency resorted to expanding detention and arrest operations in the following years, as well as forced disappearance of opposition and citizens. The agency continued in this way following previous leader Mohamed Tawfik's succession of Magdy Abd El Ghafer as chairman.

According to what has been observed and documented, 71 women and 150 children were subjected to enforced disappearance in 2020.

1) Elements of enforced disappearance

Victims of enforced disappearance are subjected to many violations, starting with loss of communication with the outside world in both official and unofficial detention centers. This facilitates their exposure to different types of violations-- especially physical and psychological torture.

¹⁹ <https://www.youm7.com/story/1/12/2015/>

²⁰ https://www.hrcap.org/artical.php?id=393&cat_id=114

A) Loss of communication with the outside world:

Article 54 of the Egyptian Constitution

Personal freedom is a natural right, shall be protected, and may not be infringed upon. Excluding a case of flagrante delicto, it is not permissible to arrest, search, detain, or restrict the freedom of anyone in any way without a reasoned judicial order necessitated by an investigation. Anyone whose freedom is restricted in this manner should file a report. He shall be informed of his rights in writing, immediately allowed to contact his relatives or lawyer, and handed over to investigative authorities within 24 hours of detention. The investigation shall start only in the presence of his lawyer. If he does not have a lawyer, a lawyer shall be appointed for him. Necessary assistance shall be provided for disabled persons in accordance with procedures established by law.

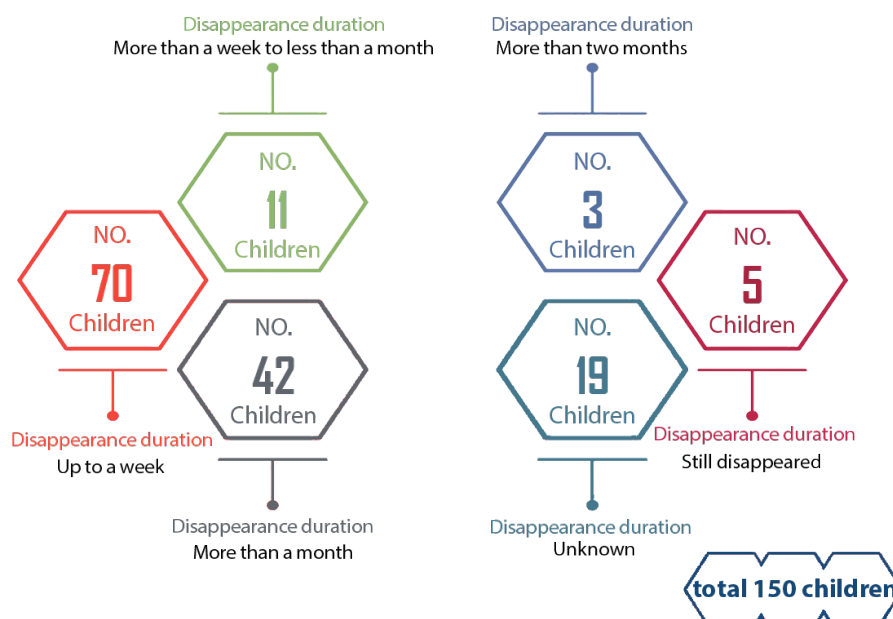
One of the basic elements of enforced disappearance is isolation from the outside world. It entails detention in complete isolation for periods ranging from days to months, stripping the person of their rights to contact relatives or lawyers. It is incompatible with domestic legislation as well as international conventions.

We observed the average duration children and women spent isolated from the outside world.

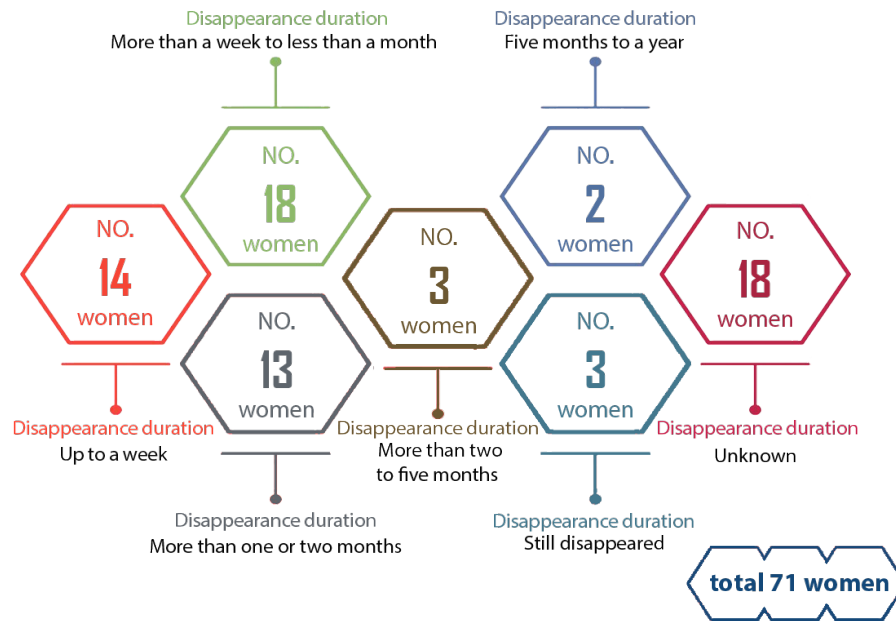
First: Minors

Given children’s requirements for special treatment while navigating the criminal justice system, both the Convention on Child Rights and the Egypt Child Law (Section VIII) prohibit serving death penalties and life sentences to children. Egypt’s Child Law also prohibits sentencing children under 15 with detention or prison. In some cases, however, security services have deprived children of those privileges via enforced disappearance. They withhold the children from public prosecution until they reach 15 years old, as what occurred in case No. 1530 of 2019, Supreme State Security, known in the media as “Joker”.

Children’s disappearance durations in 2020 ranged from mere days to more than two months.



Second: Women



B) Detention in unofficial places

Members of the public prosecution office, presidents, and agents of the primary and appellate courts must visit public and central prisons in their jurisdictions. They must ensure that no individual is illegally imprisoned; read and take pictures of prison records and arrest or detention warrants; and contact any prisoner to hear out his complaints.

Most disappeared persons remain in unofficial detention spaces. These areas are not supervised by the public prosecution that is tasked with inspecting detention spaces. This removes those detainees from protection of the law in all its forms, exposing them to torture and other forms of maltreatment. These places do not have official records stating the names, ages, or charges of detainees. **Article 27** of the judicial authority required that “the public prosecution shall supervise prisons and other places where criminal charges are executed. The public prosecutor shall inform the Minister of Justice of remarks in this regard, as well as ensure adherence to the regulations. He shall also take any necessary measures in regard to violations of that law, accept prisoners’ complaints, and examine records and associated judicial documents to ensure their conformity with the prescribed templates.”

1) Central Security Camps

Central Security Camps are spread throughout Egypt's governorates. Their numbers range from one to three camps per governorate, and they are used as alternate detention centers for those who were not presented to prosecutors or not sent to official detention centers. Our monitoring and research unit found a number of children and women who have been forcibly disappeared in central security headquarters: 31 minors and one woman.

2) National Security:

Belady Center monitored a number of children and women who have been detained in national security headquarters, totaling 24 women and nine children.

3) Security Directorates

Belady Center monitored 21 children and a woman who were forcibly disappeared in security directorates.

4) Intelligence Unit in police stations ("The Fridge")

We also documented a minor and four women who were detained inside "the fridge".

B) Torture

According to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment and Punishment, the term "torture" means:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third party information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Article 1 of the Convention against Torture

Most victims of enforced disappearance face psychological or physical torture, or both, either because they were being coerced to confess or for no particular reason at all. Although the Convention against Torture states that torture includes coercion to obtain confessions, Article 126 of Egypt's Penal Code does not describe ill-treatment as "torture" except when this treatment is used with intent to obtain confessions, as stated in the text:

. . every public official or employee who has ordered or carried out torture of a defendant to induce a confession shall be sentenced to hard labor or three to ten years' imprisonment. Should the victim die, that offender shall be sentenced accordingly with murder.

Due to the limited definition of "torture" in the Penal Code and perpetrators' consequent impunity, torture in order to obtain information or confessions is incredibly common during enforced disappearance. The lack of supervision, communication, and legal protection facilitates these practices. Prosecutors also drag their feet in demanding coroner examinations; thus, victims's torture wounds heal, and all proof of mistreatment fades. An exception is when the torture causes permanent disability, which may happen amidst either extended disappearance or intransigence when referring the prisoner to forensic medicine-- assuming prosecution even approves the referral.

Regarding torture, Belady Center for Rights and Freedoms documented 24 minor and eleven women cases during the previous year. We also documented the variations of torture methods, including blindfolding, beating, slapping, electrocution, suspension, whipping, and beating with sticks, pipes and tubes.

2) Types of enforced disappearance

A) Disappearance of whole families

In addition to the expanded use of enforced disappearance for arrested persons as described above, we have observed a recurring pattern of authorities concealing entire families. This is usually the case when authorities cannot find their intended target. As a result, another family member (a parent or sibling) is arrested to force the target into turning himself in, lest they arrest everyone in the household.

Belady Center for Rights and Freedoms has documented a number of families that were forcibly disappeared: a total of 61 families in 2020, including ten women (two of whom are still disappeared) and four children. Later on, some families would appear as a whole; in other cases, only some of the members would appear. Other families are still being forcibly disappeared.

B) Presentation to public prosecution and return to unofficial detention centers

After the detainee appears and is presented to the prosecution, isolation from the outside world continues. Although this detention pattern he is returned to the unofficial detention center-- usually an arm of national security or intelligence-- where his was systemized during the few last years, the Center could not document cases of this pattern in 2020. Yet, some women and children have faced it before. Among them are:

Somaya Maher Hazima: arrested on the dawn of 17 October, 2017, after authorities searched the home. They took her and her mother to an unknown location. Later, her mother was released, but no news came of Somaya for more than a month, until she was presented before the Supreme State Security Prosecution in case No. 955 for 2017. She then disappeared again, spurring husband Housseem Haroun to file judicial case No. 4618 for 72 in the State Council against the Interior Minister, seeking to force the minister to disclose his wife's whereabouts. On December 24th, 2017, for the first time, lawyers were able to communicate with Somaya Maher and be present at her hearing-- more than two months after her arrest.

Houda Abdel Moneim Hassan: a lawyer and former member of the National Council for Human Rights, she was arrested on November 1st, 2018, amidst a security crackdown targeting female activists and their daughters. She was forcibly disappeared for approximately three weeks before being presented to Supreme State Security Prosecution under case No. 1552 for 2018. After prosecution, she was detained again in a national security center.

3) Appearance Patterns

Patterns in which disappeared persons resurface differ: either the person is set free without any record, or he is met with charges. The patterns can be classified as follows:

For Minors

1- Still Disappeared

The victim is still detained in an unknown location. This year, we documented five persons that are still concealed.

2- Release without a record

The person is released after a period ranging from a few days to several months. This pattern was noted to be used in order to force relatives of the victim to turn him in. Such was the case with **Khouloud Mustapha Hassan Kamel**, a child who disappeared for more than a day after the arrest of her entire family in order to coerce her brother into turning himself in.

3- Release without a record

Cases in which their appearance is confirmed with charges. Most of them occurred at the Supreme State Security Prosecution in Cairo. We documented 141 cases.



4- Unknown

These are cases we received through communication with parents or the media. However, we could only track one case at the time of this report.

5- Death/Extrajudicial killing

In this pattern, the person disappears for a period of time. The Ministry of the Interior then issues a statement announcing that it has arrested members of a terrorist cell and killed some of them in raids or firefights. We could not find cases of children who faced extrajudicial murder in 2020.



For Women

1- Still disappeared

We documented four women who were all arrested in their homes.

2- Release without a record

We documented one case in 2020, given the aforementioned difficulty in monitoring this pattern.

3- Appeared and the rest of details are unknown

We documented two cases of this pattern

4- Unknown

One case.

5- Appeared with charges

54 cases of women met with charges were listed.

6- Appeared and charged with another crime

Nine cases of women who appeared with new charges.



Detention Phase

Third: Pre-trial detention

Article 96 of the Egyptian Constitution :

The accused is innocent until proven guilty in a legal and fair trial, in which he is guaranteed a defense. The law regulates the appeal of any judgements issued.

There has been a gradual transition within the legislative framework of the criminal justice system following the July 3rd events. It was reflected in the issuance of laws No. 107 for 2013 (known as the Protest Law); No. 94 for 2015 (Anti-Terrorism Act); and No. 175 for 2018 (Law on Cyber crime). Adding to that, large-scale adjustments are to be incorporated into the Code of Criminal Procedure. The consequences from wide arrest of thousands, including women and children, further the transition. The judiciary facilitated this on its part by expanding use of pre-trial detention to keep most security service targets in prison for extended periods of time. This expansion helped transform pre-trial detention into a punishment in itself, possibly functioning as political revenge that has nothing to do with due process. Rather, it disregards the spirit of law, circumvents its texts, and clearly violates judicial instructions for public prosecution.

Pre-trial detention was described by the administrative court's judgement in Alexandria (the Primary Circuit in El Beheira) as "one of the most repugnant legal proceedings, favoring presumption of guilt over presumption of innocence-- while in fact the opposite is true, as people are inherently innocent"²¹.

Many amendments to the Code of Criminal Procedure were made to control pre-trial detention²². In --1973 for the first time since establishment of the code in --1950 Article 143 was amended; legislators extended pre-trial detention so as not to exceed six months for misdemeanors and felonies before referral to the appropriate court. In early 2006, legislators changed pre-trial periods so as not exceed six months for misdemeanors, eighteen months for felonies, and two years for life sentences or capital punishment. In 2007, legislators granted the Cassation Court power to remand defendants to custody without regard to any stipulated periods should the sentence handed down by Criminal Court be the death penalty. Thus, the defendant will remain in pre-trial detention indefinitely.

Lastly, former interim president Adly Mansour approved a draft of Law No. 83 of 2013, written by the Council of Ministers, to amend some provisions of the Code of Criminal Procedure. One such targeted provision was the amended third paragraph of Law No. 150 of 1950 which stipulated that the Cassation Court may order suspects to 45 days of pretrial detention without consideration of pre-trial period restrictions should the ruling be overturned by death sentence or life imprisonment.

²¹ <https://www.albawabhnews.com/1495332>

²² <https://legal-agenda.com/%D8%A7D%84%9D%8AD%D8%A8D%8B%-3D%8A%7D%84%9D%8A%7D%8AD%D8%AA%D8%9A%D8%A7D%8B%7D8%9A-%D83%9D%8B%9D%82%9D%88%9D%8A%8D%8A%-9D%81%9D8%9A-%D85%9D%82%9D%8AA%D8B%1D%8AD-%D8AA%D8B%9D%8AF%D8%9A%D84%9/>

The following is an explanation of the numbers of women and children detained on political charges,, and of detention period lengths, as monitored by Belady Center for Rights and Freedoms in 2020:

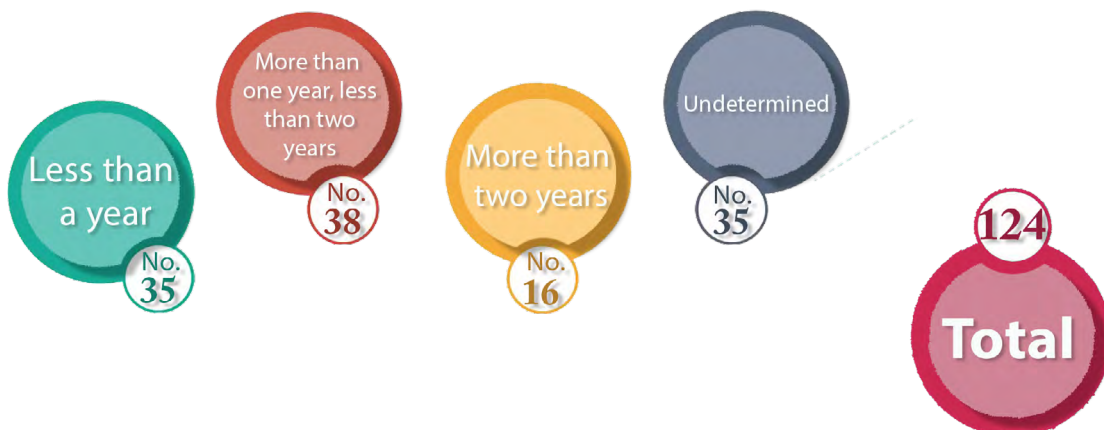
First: Children

According to Belady Center, the number of pre-trial minor detainees pending cases at the time of arrest-- whether they were still minors or had since reached the age of eighteen-- is **109** children. Their detention periods range from several months to six years. The most prominent cases are: case No. 420 of 2017 (registered under No. 123 in the Military Court), known in the media as "Hasam and Liwa al-Thawra", under which twelve children were detained at the time of arrest; case No. 137 of 2018 (Military Court) under which eleven children were detained; case No. 247 of 2016 (Military Court) under which four children were detained; and felony case No. 4459 of 2015 (Helwan Court), known in the media as "the Helwan Brigades", under which 13 children were detained.



Second: Women

The number of female pre-trial detainees with political charges is **124**. **Their detention durations range from several months to more than two years. Among them are: the detainees of case No. 277 for 2018 (State Security Inventory), who were detained pre-trial for approximately eighteen months; and the detainees of case No. 750 for 2019 and case No. 1530 for 2019 (State Security), who were detained pre-trial for approximately twelve months.**



2) Selective Justice

Article 143 of the Code of Criminal Procedure

The duration of pre-trial detention shall not exceed three months, unless the defendant is informed that his case has been referred to the appropriate court for trial. In that situation, according to the first paragraph of Article 151 of this Code, the public prosecution shall present a detention order no later than five days from the date of notification of referral in order to implement the requirements of these sentences-- otherwise, the defendant must be released. If the charge against him is a felony, the duration of pre-trial detention shall not exceed five months unless an order from the appropriate court to extend it for no more than 45 days is obtained. Such extension is renewable for a similar period; otherwise, the defendant must be released. In all cases, the period of pre-trial detention during the preliminary investigation phase and other stages of the criminal proceeding shall not exceed one third of the maximum sentence for the crime, so as not to exceed six months for misdemeanor, eighteen months for felonies , or two years if the prescribed punishment for the crime is life imprisonment or death.

Article 143 of the Code of Criminal Procedure is selectively applied. Former President Hosni Mubarak previously benefited from it when the criminal court ruled to release him from his two-year detention sentence. Politician and chairman of the Wasat Party Abou Elela Mady also reaped its benefits. In contrast, in most cases, judges ignore requests of the defendants' defence for their clients' release after serving the pre-trial detention period; oftentimes, judges merely note the request in the session record. There are many women and children detained on political charges whose detention periods have exceeded two years, and sometimes even six years.

First: Children**Helwan Brigades Case**

From August 23rd to September in 2014, a number of defendants were detained-- among them eight children-- behind a video showing masked gunmen threatening to target police. On August 27th, 2014, the Ministry of the Interior announced the detention of a number of suspects in connection to the Helwan Brigades events.

On March 23rd, following the detention of five other children, a resolution was issued to refer them to the aforementioned case, bringing the total number of child detainees to thirteen. They are still in pre-trial custody at the time of this report, and most of their detention periods have exceeded six months. Once they turned 18 years old, they were transferred from the penal institution to Tora Reception Prison.

The first hearing of the case took place on August 30th, 2015. There have been continuous postponements until the time of this report, whereby the defendants' trial was postponed to 10 January 2021 at the hearing of December 20th, 2020.

"We should not be in prison"

The chancellor's son in a live broadcast on Facebook

Another example illustrating authorities' selective treatment of criminal and political dealings when it comes to children involves two conflicting cases of assault on police officers: the case of "the chancellor's son", as it is known in the media; and the state's treatment of Sinai child Abdallah Boumedian Nasrallah.

The public prosecution ordered the turn over of child Ahmad Abou Almajd Abdel Rahman-- known as "the chancellor's son"-- to his parents after he was detained for insulting a police officer. After his release from the prosecution office, the child published a video insulting another police officer, prompting the public prosecution to order him into foster care.

In contrast, the Children's Court in Al Abbasiya ruled for Sanai child Abdallah Boumedian to be turned over to his parents on 26th December, 2018. Subsequently, he was first transferred to Al Arich Second Station and then to an unknown location. Since January 10th, 2019, and at the time of this report, his family has not heard from him. The end of 2020 marked two whole years of his enforced disappearance.

Second: Women

Among the women are 16 cases of whose detention periods exceeded two years. They are:

Radhwa Abdel Halim Said Amer (No. 1251 for 2018)

Samia Jaber Awiss (No. 277 for 2018, State Security Inventory)

Somaya Maher Hazima (No. 955 for 2017, State Security Inventory)

Chaima Houcine Jomaa (No. 277 for 2018, State Security Inventory)

Aicha Khayrat Al Chater No. 1552 for 2018, State Security Inventory)

Abir Najed Abdallah Mustapha (No. 277 for 2018, State Security Inventory)

Aliya Nasr Eddine Hassan Awad Aliya Awad (No. 4459 for 2015, Helwan felonies)

Ghada Abdel Aziz Abdel Basset (No. 79 for 2017, Military Court)

Fatma Jamal Hamed Mohamed (No. 277 for 2018, State Security Inventory)

May Yahia Hamed Mohamed (No. 277 for 2018, State Security Inventory)

Najla Mokhtar Mohamed Azam (No. 277 for 2018, State Security Inventory, registered under No. 2306 for 2020, felonies of state security emergency, first assembly)

Neveen Rafai Ahmad Rafai (No. 277 for 2018, State Security Inventory)

Hala Ismail Abes (No. 277 for 2018, State Security Inventory)

Heba Mostapha Abdel Hamid (No. 277 for 2018, State Security Inventory)

Houda Abdel Monem Abdel Aziz (No. 1552 for 2018, State Security Inventory)

Hend Mohamed Talat Khalil (No. 277 for 2018, State Security Inventory)

- **Najla Mokhtar:** arrested on August 18th, 2018, at Cairo Airport on her way to perform the Hajj. She was subjected to enforced disappearance for eleven days. She only appeared later in the Supreme State Security prosecution when she was investigated under Case No. 1327 for 2018, Supreme State Security Inventory. The prosecution decided to detain her for fifteen days for investigations and to transfer her to Al Qanatir Prison.
- **Ghada Abdel Aziz:** arrested on May 11th, 2017, from her father's house in Cairo and taken to an unknown location. She was subjected to enforced disappearance for a month, during which she was tortured. Later, she was presented to the Supreme State Security Inventory under Case No. 79 for 2017 with charges of joining a banned group. Then, she was transferred to court martial under No. 137 (Military Court) and rotations and postponements followed.
- **Aliya Awad:** (a photojournalist) arrested in September, 2014, and detained for pre-trial under case No. 4459 for 2015, known as "Helwan Brigades". She remained in custody until her release on March 28th, 2016, and her imprisonment was renewed during a trial hearing in the case of 23 October 2017. She was transferred to Helwan police department for five days, unbeknownst to her parents, before her location was announced. Her family was able to visit her on a weekly basis until the transfer to her current detention center at Al Qanatir Prison on January 29th, 2018.

3) The Family Situations of Pre-Trial female Detainees

Article 387 of public prosecution Instructions

The prosecutors shall take into account the circumstances of the cases, further consider the necessity of the defendant's pre-trial detention, and take into consideration social conditions, family-related and financial engagements, and the severity of the crime. The matter is left to their insights and discretions

The child is considered in jeopardy if he was deprived without justification, if only partially, of his right to custody or seeing a parent or anyone who has the right to do so.

The Egyptian Child Law

Despite the public prosecution's instructions to take social and family-related conditions into consideration when making pre-trial detention decisions, we find violations when we assess the conditions and family situations of detainees. In late November 2019, **Soulafa Majdy and Housam Sayad**, a married journalist couple, were arrested in a coffeehouse. According to their statements at prosecution, they were subjected to physical and verbal assault during their detention hours in a national security center before being presented to the Supreme State Security prosecution under case No. 488 for 2019.

Despite the fact that the couple had a child younger than seven years old, their detention period exceeded one year, as neither the prosecution in which the couple were presented nor the Chambers found any necessity to consider the social conditions and family engagements, based on a political pretext in the litigation.

Likewise, security services have arrested married couple **Nachwa Abdel Mohsen Alchahat and Mustafa Basyouni Khamis** in April 2020 after the wife's appearance in a video for Families Association of Detainees in Kafr El Dawar (Al Buhaira governorate). She and others were calling for the release of prisoners after the appearance of Covid19- cases in Egypt. The husband was arrested on 8 April, while the wife was arrested on 12 April. They both were subjected to enforced disappearance in a State Security Center for almost two weeks before being presented to the Supreme State Security prosecution under case No. 575 for 2020. Since then and until now, they have been in pre-trial detention. Moreover, neither the prosecution nor the chambers in which the couple were presented take into account the rights of their three children.

4) Renovation on paper

Article 136 of The Code of Criminal Procedure

Before issuing a detention order, the investigating judge shall hear the public prosecution and the defendant's defence. The detention order shall include a statement of the crime attributed to the defendant, the prescribed penalty, and the reasons underlying the order. The provision of this article applies to orders issued to extend pre-trial detention periods, in accordance with the provisions of this Act.

Although the law set forth that the defendants should be presented before the prosecution to hear their statements, this rule has been violated in conjunction with the emerging Covid19- pandemic, as the renewal of pretrial-detention for many prisoners reoccurred in their absence or in the absence of their lawyers.

For example, this happened with lawyer Mahinour Almasri in a hearing held on June 5th, 2020, when the renewal of her detention was considered in her absence, while allowing the lawyers to prove their attendance and provide pleas. Likewise, it happened with the journalist Soulafa Majdy in a hearing held on 5 May 2020.

Mahinour and Soulafa weren't exceptions, as this procedure was carried out with most pre-trial detainees pending charges before the Supreme State Security prosecution in 2020.

5) Alternatives to Pre-trial detention

Article 201 of The Code of Criminal Procedure

The detention order shall be issued from the public prosecution, by at least one prosecutor, for a maximum period of four days from the defendant's arrest; or, he shall be extradited to the public prosecution if he was previously arrested. The competent authority of pre-trial detention may instead issue an order based on the following measures:

- 1 - Court orders the defendant's release with precautionary measures and prevents him from leaving his house. A security officer from the defendant's local police department visits him inside his residence. If he is not there, an order shall be issued to detain him.
- 2 - The defendant shall report to the police department for three hours per day and record his attendance. His presence may be required for three hours per day, two days per week; measures may also be mitigated so that the department may only require him for one day a week.
- 3 - Prohibition from going to certain locations. Should the defendant violate the obligations imposed by these measures, he may be detained in accordance with prescribed regulations for pre-trial detention' maximum duration, its extension, and appeal.

Although the Code of Criminal Procedure sets forth and defines in detail alternatives to pre-trial detention-- and the United Nations Minimum Standard Rules for Non-Custodial Measures²³ stipulates in its sixth clause the use of pre-trial detention as a last resort--, according to what we exposed about the numbers of pre-trial detainees and detention durations, it is evident that the judicial authority is reluctant to use these alternatives when detaining defendants for pre-trial. The authority does not comply with legal detention periods and keeps defendants in prison for as long as possible.

Fourth: The “Rotation” a State Policy

First paragraph of Article (3) of Emergency Law No. 162 for 1958

When a state of emergency has been declared, the President of the Republic shall, verbally or in writing, implement the following measures: restrict the freedom of persons to assembly, movement, residence, and passage in certain locations and at certain times; and assign any person to perform a certain act.

On June 2nd, 2013, the Supreme Constitutional Court²⁴, under the presidency of the Chancellor Maher Al Bahiri, issued an order about the unconstitutionality of the first paragraph of Article 3 of Emergency Law. The law allows the president to give the authority to arrest, detain and search people and places without complying with the provisions of The Code of Criminal Procedure. It was known as administrative detention under President Mubarak, and it involves detaining citizens with resolutions from the Interior Ministry. In case the court orders the person’s release after challenging the decision of administrative detention from the Court of Cassation, the Interior Ministry issues a new resolution of detention .

As a result of the unconstitutionality of that Article, the state has had no option in the last years but to expand its use of pre-trial detention to keep detainees for as long as possible, as well as circumvent the law that determines durations of pre-trial detention. To do this, the state charges people with other crimes-- a tactic known as “rotation”. Recently, the number of defendants charged with other crimes has grown.

According to human rights organizations, this practice first appeared in 2015²⁶ and was used excessively in 2019 after what is known in the media as the “September Events”. It aims to circumvent pre-trial detention period regulations controlled under the Code of Criminal Procedure and public prosecution instructions. Charging with other crimes is considered the alternative and is most similar to administrative detention.

²³ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/TokyoRules.aspx>

²⁴ <https://manshurat.org/node/1465>

²⁵ https://ejpr.org/sites/default/Ples/reports/pdf/endless_imprisonment_0.pdf

²⁶ <https://www.ec-rf.net/wp-content/uploads/06/2020/%D%8AA%D%8AF%D%88%9D8%9A%D%8B1.pdf>

We found two cases of children charged with other crimes in 2020, while the Center monitored fourteen cases of women charged with other crimes. Charging with other crimes can be classified by the following patterns:

1) After the court's order of release, acquittal, or sentence served

Article 100 of the Egyptian Law

Judgments are issued and executed on behalf of the people, and the State guarantees their execution in accordance with the law. Failure or delay in execution on part of the relevant public officials shall be a crime punishable by law. In this case, the sentenced person has the right to bring criminal proceedings directly to the competent court. On the request of the sentenced person, the public prosecution shall prosecute criminal proceedings against any officer abstaining from or delaying execution of the judgment.

According to the previous Article of the Egyptian law, charging with other crimes is considered a practice that threatens the rule of law, as it involves the delay of judiciary resolutions to release defendants.

As a result, the proceedings are terminated, and the released prisoner is transferred to another station when he should have been free. However, the judiciary's resolution is not executed due to an illegal procedure called National Security Presentation, through which the released prisoner is taken to a national security center for interrogation. He may be detained illegally for a period ranging from days to weeks or months. It ends with him being presented again to the national security or public prosecution with new charges.

According to this pattern, the center monitored nine cases of women who were charged with other crimes, including but not restricted to:

Nardine Ali

In October 2019, she was arrested and subjected to enforced disappearance until she appeared in November under case No. 488 for 2019. Although an order for her release was issued on December 21st, 2019, it was not executed, as she was held in Alexandria National Security Center until she appeared on 26th January, 2020 with new charges under No. 1530 for 2019 (Supreme State Security Inventory).

Riman Al Houssani

On May 10th, 2018, she was arrested in Cairo Airport and subjected to enforced disappearance for 24²⁷ days until she appeared with new charges under case No. 817 for 2018 (Supreme State Security Inventory). An order for her release was issued on 2 June 2020 after her detention duration exceeded the legal duration. She was transferred from Al Qanatir Prison on 3 June 2020 to Takhshiba Al Giza. Later, she was transferred to El Agouza Police department on June 15th, 2020, when she was detained for two days before being forcibly disappeared for 28 days at Sheikh Zayd National Security Center. She was detained and interrogated illegally, rotated under case No. 730 for 2020 (State Security), and imprisoned again with charges of joining a terrorist group, disseminating false news, and misuse of social media.

²⁷ <https://egyptianfront.org/ar/07/2020/reman730/>

2) During the execution of precautionary measures

In 2020, we did not find a woman who was rotated during the execution of precautionary measures.

3) After executing the release order

Sometimes the release is actually realized for days or months until the person is arrested again for new charges, meaning that the same persons are being re-targeted for reasons related to their political activities. In 2020, we did not find a woman who was charged with other crimes after her release for long or short durations. The most famous case related to re-targeting women is lawyer **Mahinour Al Masri**.

4) During Pre-Trial Detention

In this case, the defendant is charged with other crimes during his pre-trial detention for the primary case. Usually, the accusations in rotation are similar to those of the primary cases-- accusations that are logically impossible for the defendant to have committed during his detention, such as "the misuse of social media"

We were able to observe and document four cases of women who were charged with other crimes, For example:

Israa Abd El Fateh

The journalist and human rights activist was arrested on 13 October 2019 while driving her car with a friend. They were taken to an unknown district where she was subjected to beating, torture and maltreatment. The next day, she appeared in the Supreme State Security Prosecution under case No. 488 for 2019. The prosecution accused her of joining a terrorist group, disseminating false news and misuse of social media. When she was detained for pre-trial in Al Qanatir Prison, she was charged with new crimes on 30 August 2020 under case No. 855 for 2020 with most of the accusations she had faced in the previous case.

Soulafa Magdy

On November 26th, 2019, the journalist was arrested and detained for pre-trial under case No. 488 for 2019. The prosecution accused her of joining a terrorist group, disseminating false news and misuse of social media. During her pre-trial detention in Al Qanatir Prison under this case, she was charged with new crimes on 30 August 2020 under case No. 855 for 2020 and interrogated for the same charges of the previous case.

In view of the above, we can conclude the clear purpose for charging women and children with other crimes, which manifests in keeping them in detention and away from achieving justice by merely substituting the previous cases numbers with new ones and charging defendants with similar crimes to the previous ones. When assuming the validity of accusations, we cannot disregard obvious remarks, such as the involvement of detention administrative elements themselves in prosecution and national security records of prisoners.



2) Violations inside detention centers

- *The right to visitation*

Article 100 of the Egyptian Law

Visitation may be absolutely and restrictively prohibited periodically for medical or security-related reasons.

This Article gives the Ministry of the Interior permission to absolutely and restrictively prohibit visitation of certain prisons or prisoners, without complying with other articles of the same law that regulates visitation and correspondence rights. The article also prohibits any intervention from prosecution, court, or any supervisory bodies, except for the “sovereign” bodies represented only by security services. That prohibition breaches Article 1 of the Prisons Organization Law and Article 56 of the Egyptian Law, which stipulate the prison’s subjection to judicial supervision.

On 10 March, the Interior Ministry announced prohibition of visits in all prisons-- including Lemna Prison, which falls under the prison sector. This restriction was announced as a precautionary measure to fight the outbreak of Covid19- inside prisons. However, monitoring conditions of the detention centers in Egypt comprehensively proves that the ministry’s developed measures are merely formal. Apart from the long-time substandard condition of the healthcare system even before the outbreak of the pandemic, logically, the ministry should have allowed the entrance of necessities and tools for prisoners’ personal hygiene; mandated visits from relatives, who bring food to the prisoners in light of the abysmal quality of prison food; and the required medications for sick prisoners.

Yet, the opposite is what has been documented since the visitation prohibition resolution on March 10th-- even after the announcement of a partial reopening with strict rules on August 22nd. Most prisons restricted the entry of food and clothes and limited them to a minimum. They also prohibited the entry of preventative hygiene tools and medicines, making the ministry’s prohibition of visitation an un-protective and harsh decision.

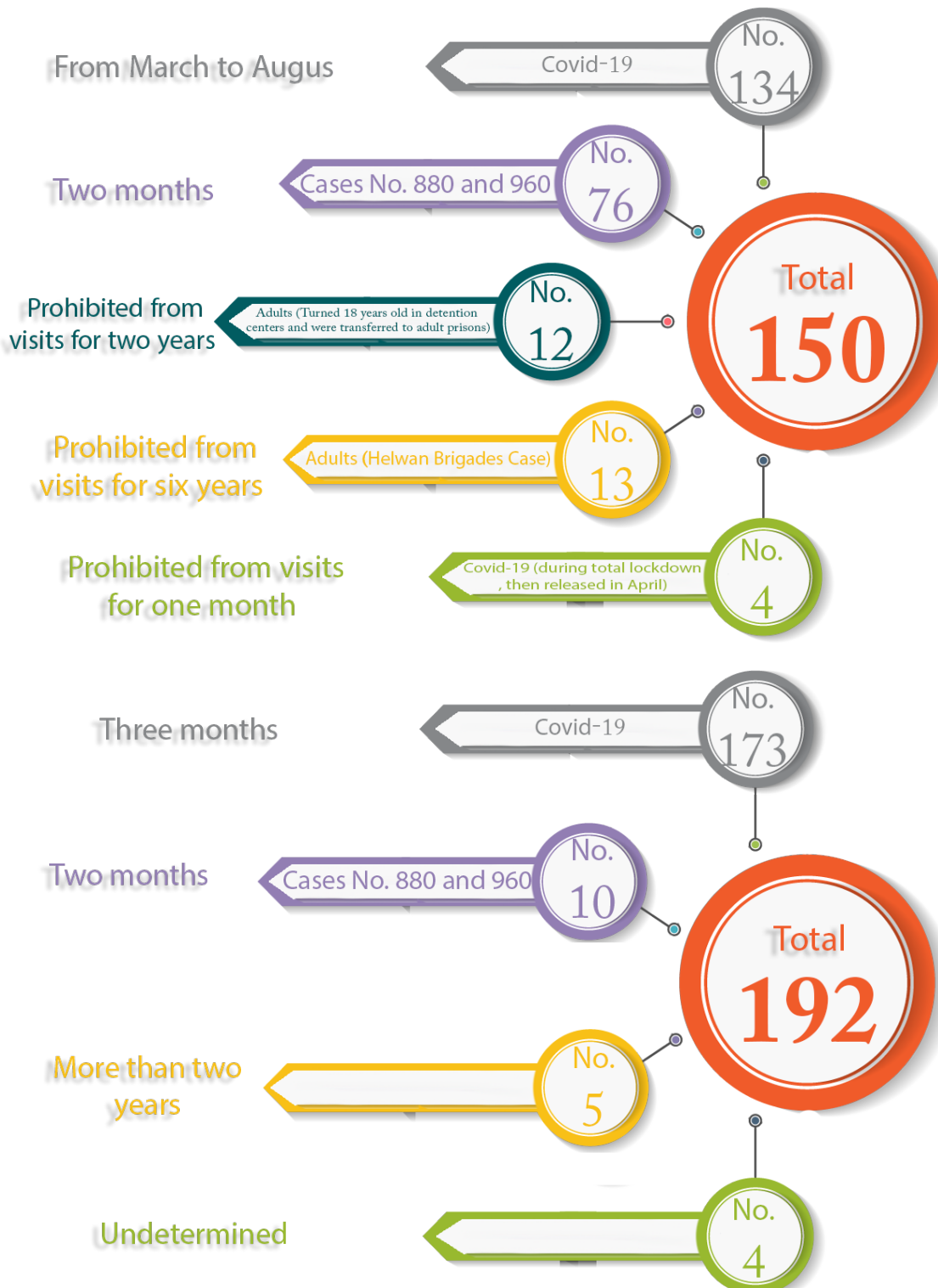
The ministry’s decision to prohibit visits led to expansion of the isolation imposed on prisoners in light of books or newspapers being blocked from entry. This proves the importance of Article 38 of the Prisons Organization Law. This act gives prisoners, whether sentenced or detained, the right to communicate and make calls, for a fee. It became more important amidst increased isolation imposed upon prisoners following a total lack of communication with their relatives and the outside world, in addition to the reluctance of the ministry to provide relatives or the public with data or information about the conditions inside the prison-- neither on infection rates nor the prevalence of infection within detention centers. Separately from the Covid19- pandemic and its consequences on prison visits, some detained children and women have been subjected to violations of their rights to visitation since the moment of their detention even before the visitation prohibition. The security services ignore the Organization of Prisons Act and systemically abuse barriers to visitation embodied in Article 42 of the same Act, No. 396 for 1956. We mention these cases below.

For women

The cases of Oula El Kardhaoui, Houda Abdel Moneim, Aicha Al Chater and Somaya Maher are considered among the most prominent cases in violation of visitation rights. Since their arrests in July 2017 and November 2018, they have been deprived of the visits guaranteed by law and regulation and kept in total isolation from the outside world up to the time of this report.

For the children

Thirteen minors, at the time of arrest, were among the defendants of the "Helwan Brigades" case. They have been on a hunger strike, as they have been prohibited from visits since 2016.



- *Deliberate medical negligence*

Rule 25 of the Nelson Mandela Rules (Standard Minimum Rules for the Treatment of Prisoners).

1. The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.

2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

Article 18 of the Egyptian Constitution stipulates the right to healthcare for all citizens. **“Every citizen has the right to health and comprehensive healthcare that complies with quality standards. The state shall maintain and support public health facilities that provide health services to the people, and shall enhance their efficiency and their equitable geographical distribution.”** The Nelson Mandela Rules stipulate the necessity to achieve equality in the provision of health care of persons inside or outside the prison, which will be achieved only through the separation of prison medical care systems from the Ministry of the Interior.

However, the Prisons Organization Law and its bylaws regulate the provision of medical care to the «Prison Medical Services» department, which falls under the Prison Authority Sector and Ministry of the Interior. This means that it is definitely impossible to achieve any equality in the provision of health care. This significantly impacts the low quality of medical care inside prisons, especially with the fact that prisons’ closed environments enable the disease’s spread, due to overcrowding, lack of movement, and limited exposure to sunlight, as well as the poor quality of living conditions.

According to ex-prisoners and families of current prisoners, most of the doctors in charge of prison healthcare are officers who joined the police after they graduated from the Faculty of Medicine who were assigned to the prison service sector. This is strongly reflected in the efficiency of their medical performance, as they are not loyal to the medical profession but instead to the security sector. The doctors’ attitudes lead to prisoners hesitating to complain about illness or fatigue in fear of being accused of faking illness, which often results in punishment. This behavior is reinforced by a lack of judicial control over prisons and over prisons’ dispensaries, as well as judicial authorities’ refusal to acknowledge violations.

The Prisons Organization Law (Articles 24 to 37) sets forth measures to provide necessary health care to prisoners, as does Ministry of Interior Resolution No. 79 of 1961²⁸. Articles 19 and 20 of the Organizations Law specifically deal with managing pregnant women. However, the law neglects details related to health care service procedures, one of which is the equipment of prison dispensaries / clinics with necessary devices to treat advanced and critical cases. Even if those tools do exist, they are not used efficiently except in events such as press visits or other lobbying and propaganda opportunities.

Transferral to an outside hospital requires a series of quick approvals. However, bureaucracy impedes the process, and junior ranked officers or informants are hesitant to inconvenience higher ranked officials after hours if the prisoner’s condition has worsened. Also contributing to the delayed response is the wait for approval from the National Security Agency, which has illegal influence inside prisons beyond the scope of its power. NSA approval seldom comes at a time when services are available, which leads to further deterioration of the prisoner’s health or his / her death²⁹.

The women’s prisons severely lack medicines necessary for sick prisoners. The performance of Egyptian authorities concerning medical negligence has reached a level that can be described as “negligent homicide”.³⁰ This negligence is represented by authorities’ abstention from providing necessary health care at the right time, causing the death of the prisoner.

²⁸ <https://manshurat.org/node/12358>

²⁹ Personal interviews conducted during the period from May to July 2020, Cairo, Egypt

³⁰ <https://bit.ly/3nE7B69>

According to what has been observed and documented, two child detainees and eighteen women (four of whom have been released) encountered medical negligence in 2020 at the time of this report. The following examples explain authorities' negligence in the prison service sector/ administrations.

In following up on the medical condition of **Mariam Salem**, who was imprisoned on political charges and died due to medical negligence in Al Qanatir on 23 December, 2019, we monitored that she had cirrhosis and a very high level of plasmapheresis for years. Since her arrest in 2013, her condition developed with severe ascites and she was not released for medical reasons, treated inside prison, nor transferred to an external hospital. She became the first case of death with political charges since current President Abdel Fateh Sisi assumed office³¹. The consequences of her death from medical negligence remained until the beginning of 2020, when a number of prisoners refused to receive food in protest of her death.

The prisoners' suffering of medical negligence continues. For example, **Aliya Awad** has been detained twice at the time of this report; the last time was in October 2017, under the case known as "Helwan Brigades". She was diagnosed with a uterus tumor right before being detained for the second time. Later, she was diagnosed with a fistula while detained. Her defense submitted four demands to the Bench for her release in order to receive treatment, in addition to other demands in prison after the court's refusal to release her. In fact, none of the demands were executed.

The case of **Houda Abdel Moneim**, a lawyer and previous member of the National Council for Human Rights, represents the deliberate negligence of prisoners' health. Although she's in her 60s and has a medical history of strokes and hypertension, this did not prevent the security services from detaining her in November 2018 for pre-trial with charges of joining and funding a terrorist group. According to her defense and family, her medical condition worsened in November 2020 as it was neglected. Her left kidney completely stopped functioning and she experienced regression in her right one.

For her detention hearing on 6 December 2020, she was transferred from prison to court in an ambulance. She was held in a glass cage with more than 700 other prisoners in terrible conditions without sufficient ventilation, food, or bathroom facilities for more than 12 hours. Her detention hearing was held after the announcement of her win of the annual prize from the Trade Union Council and European Legal Association along with six other Egyptian lawyers³².

In addition, violations against Houda Abdel Moneim included the deprivation of her rights to visitation and communication with her family. Her family learned she had been transferred from prison to Al Manial Hospital (after her medical condition had worsened) only by coincidence. Egyptian state executives and judicial authorities, as there are many, joined forces to violate her rights as a prisoner, and the concerned authorities were not held accountable for detaining an elderly and sick woman in these inhumane conditions.

Prisoner **Aicha Al Shater** is another example of medical negligence that amounts to torture. She was arrested in November 2018 in a campaign that targeted more than 17 other persons, among them her husband Mohamed Abou Huraira. She was presented to the Supreme State Security prosecution after her enforced disappearance for almost three weeks. She was autonomously detained twice since then, and the prosecution and Chambers did not consider the defense's demands to halt violations that occurred during her custody in Al Qanatir, including her solitary confinement, deprivation of visits, and medical negligence of her worsened condition in detention after being diagnosed with aplastic anemia, which negatively affects the immune system and blood. She also bled severely this year³³.

³¹ <https://www.facebook.com/WeRecordAr/posts/2640699349493297>

³² <https://www.almasryalyoum.com/news/details/214634>

³³ <https://www.amnesty.org/ar/latest/news/11/2019/egypt-aisha-el-shater-critically-ill-amid-torture-and-denial-of-medical-treatment-in-prison/>

The examples above make it evident that the Prisons Organization Law and internal regulations must be amended in order to completely separate the Prisons Medical Sector from the Ministry of Interior and assign it to the ministry of health. The action would allow consistent, independent monitoring via the Medical Association and civil society organizations, and determine clear procedures to allow prisoners swift and efficient access to healthcare services.

Solitary Confinement

Rule No. 42 of Nelson Mandela Rules

“General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to **all prisoners** without exception.”

Neither the Prisons Organization Law nor its bylaws address details concerning the living conditions inside solitary confinement cells. Prisoners are punished by having their movements and interactions limited and being placed in a cell with low living standards, lacking adequate lighting, bathrooms, ventilation, and even visitation.

In addition, Article 34 of the Prisons Organization Law was amended in order to raise the maximum duration of solitary confinement from 15 to 30 days. The amendment also expanded use of maximum security cells, which have come to be used in all types of prisons, as opposed to their previous use in only supermax prisons.

The Egyptian prison administrations have expanded their use of solitary confinement to function not only as a means to punish the prisoners, as stipulated in the Prisons Organization Law, but also as a permanent resolution since the beginning of 2018. On the contrary, the Nelson Mandela Rules indicate in Articles 44 and 55 that the use of solitary confinement should be a last resort and that each case should be treated individually, with the aim to make solitary confinement a case of absolute necessity.

The case of Oula El Karadaoui is considered an example of solitary confinement’s use in the aim of torture. Since her arrest with her husband at the beginning of July 2017 (for three and a half years), she is still in solitary confinement despite her compliance with the Organization Law. Similarly, Aicha Al Shater has been detained solitarily for at least nine months since her arrest in November 2018, and so has Najla Mokhtar for more than two years.

Recommendations

A) On a legislative level

- Egypt's adoption of the Convention for the Protection of All Persons from Enforced Disappearance.
- Egypt's adoption of the the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which stipulates the formation of independent sub-committees to conduct field visits inside detention places in order to prevent torture.
- Abolishment of Article 42 of the Prisons Organization Law, which codifies the prevention of prison visits for a wide range of reasons, giving the prison's administration vast implementation power.
- Abolishment of the flawed Law No. 175 of 2018, known as the "Cyber Crime Law", which allows the arrest of citizens based on elastic provisions made to shrink the public sphere.
- Amendment of Article 34 of the Prisons Organization Law No. 396 of 1956, which stipulates the possibility of placing prisoners in solitary confinement for a period of up to 30 days.
- Abolishment of Law No. 19 of 2020 that introduced Article 52 bis of Prisons Organization Law No. 396 of 1956, which stipulates that conditional release shall not be applied to prisoners convicted on crimes included in the Assembly and Terrorism Law.
- Radical amendment of the Prisons Organization Law in order to separate prisons' medical service departments from the Ministry of Interior and, instead, attach them to the Ministry of Health, enabling the Medical Syndicate and civil society institutions to observe and control it.

B) On an executive level

- Activation of the Public Prosecution's oversight role, as stipulated in Article 27 of the Judicial Authority Law.
- Activation of Article 143 of the Code of Criminal Procedures, which stipulates the permissible time limit for pretrial detention and stops violation of those legal periods.
- Activation of Article 38 of the Prisons Organization Law, which stipulates the right to receive weekly visits for pretrial detainees and bi-monthly visits for convicted prisoners.
- Activation of Article 36 of the Code of Criminal Procedures, which states "the judicial officer must immediately hear the statement of the detained accused, and if he does not provide what excuses him, he shall send him within twenty-four hours to the competent public prosecution that shall investigate him in twenty-four hours and decide his arrest or his release. «
- Termination of the use of solitary confinement as a means to punish prisoners, and ending its use as a place of imprisonment.

Conclusion

Altogether, and after close analysis of child and female detainees and prisoners' conditions in 2020, we can say that the performance of the judicial system, represented by the Interior Ministry, hasn't changed since the subsequent seven years to the events of July 3rd. Indeed, despite the exceptional global situation due to the COVID19- pandemic, security measures haven't changed, even in regards to communication around the spread of the virus; a number of medical and paramedical staff have been arrested for criticizing the state's management of the pandemic.

The Egyptian state has not attempted to regularise the conditions of prisoners by releasing a number of pretrial detainees in an effort to reduce prison overcrowding. This may be the cause of the prisons' transformations into hotspots of viral spread. The state has not even stopped arbitrary arrests, including during politically tense events, such as the anniversary of the September 20 demonstrations. Nor has it halted selective arrest based on prior targeting, as was the case with the «tik tok girls», journalists, lawyers, and so on. Prisoners have been crowded into detention centers, contributing to high rates of infection and fatalities in prisons and police stations.

Furthermore, the Minister of Interior's decision banned visits and shut the prisoners inside, as a (the only) precaution to limit the spread of the virus, leading to the complete isolation of prisoners from what happens outside prison walls, as well as the intransigence of prisons' administrations to accept entry of personal hygiene and sterilization tools.

In addition to prisoners' fear for their health because of the pandemic, a number of them suffered from deliberate medical negligence, whether due to the prevention medicine entry or the prohibition against hospital referrals for diagnosis and treatment-- whether inside the prison or outside.

We have also noticed the expanded use of solitary confinement and the prevention of communication and movement as forms of punishment for female prisoners in particular. A new pattern of solitary confinement has also been introduced, in which prisoners are housed in solitary confinement upon arrival, contradicting the fact that solitary confinement is a punishment for breaching prison rules. Therefore, Belady Center urges the authorities to release a number of pretrial detainees and stop arresting citizens-- both of which have contributed to overcrowded detention spaces, putting prisoners' lives at unnecessary risk.