



You will not see the Sea!

Alexandria's Activists in pretrial detention
for expression of opinion

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Prepared by:

Research unit at the Association for Freedom of Thought and Expression (AFTE)

Contributed to the collection of material:

Legal aid unit of AFTE

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info@afteegypt.org

www.afteegypt.org



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METHODOLOGY

The report is based on an analysis of the cases of 32 young men and women from Alexandria, who have been imprisoned pending 12 cases under the Supreme State Security Prosecution. The report covers a period of time starting from January 2018 and ending in mid-December 2020. The report is based on published media and human rights reports focusing on these cases, as well as legal information obtained by AFTE's lawyers. In addition to reviewing the laws related to the topics covered in this report.

INTRODUCTION

Since February 2020, Egypt has been facing the risk of the spread of the new Coronavirus infection, which by default made the immediate release of thousands of pretrial detainees an urgent precautionary need, in order to reduce overcrowding in places of detention, which constitute an ideal environment for outbreaks of diseases and epidemics, which also can be a good reason to halt the use of pretrial detention as a punishment for freedom of expression. Yet, the Egyptian authorities did not respond to the impending pandemic by releasing thousands of the pretrial detainees, as the Public Prosecution issued a decision in March 2020 to release 15 defendants only. While the security services continued their practices in arresting hundreds of others, despite the spread of the new Coronavirus.

In Alexandria, dozens of young men and women, including journalists, lawyers, party members and political activists, were either imprisoned for the first time or suffered renewal of detention, during this difficult period. This report sheds light on a sample of the defendants, including 32 Alexandrian suspects pending 12 cases registered under the Supreme State Security Prosecution. Combining these cases is the link between the defendant's charges and their activities in expressing opinion, which the security services' investigations view as terrorism-related crimes. The Supreme State Security Prosecution does not give details about what that terrorist group is, and no one knows if it is one group that includes all of those Alexandrians, or if they are different groups.

The majority of the defendants included in the report were also investigated with on charges of using their accounts on social networking sites for the purpose of publishing and broadcasting false news and data, and over the course of the investigation sessions with the thirty-two defendants, the prosecution did not confront most of them with what accounts are used on social media, and did not specify the news and published data. As the defendants' lawyers have not seen any investigation records, and they have not been confronted with any concrete evidence, the defendants from outside Cairo suffer additional violations, as a result of the centralization of the investigation procedures, whether before the Supreme State Security Prosecution or the Cairo Criminal Court.

The report aims to address the repressive practices of the security services in Alexandria, and to indicate the extent to which the centralization of the investigation system in relation to state security cases affects the defendants and their families, those cases that are investigated firstly at the Police Academy headquarters in the Fifth Settlement in New Cairo, and ending up at the headquarters of the Institute of Police Secretaries in Torah, south of Cairo.

FIRST: GAGGING DURING THE PANDEMIC: DETENTION OF ACTIVISTS CONTINUES:

The Egyptian authorities began taking decisions to confront the Covid-19 pandemic, in March 2020, as Egypt has witnessed an increase in the number of infections and deaths among doctors and healthcare workers since then. Despite these challenges, the security services pursued doctors and health sector workers, who were subjected to pretrial detention, among which there are those who are still imprisoned until the issuance of this report.

In Alexandria, Alaa Shaaban, a doctor at the Shatby Hospital of Alexandria University, disappeared for two days, before she appeared before the State Security Prosecution, which investigated her in connection with case 558/2020. According to Alaa Shaaban's testimony before the prosecution, the hospital director reported her for trespassing over his competences, after a nurse had reported the presence of a coronavirus case in the hospital, using Shaban's phone. After six months of pretrial detention, Circuit 2 of Terrorism at the Criminal Court released Alaa Shaban, pending the case, and decided to replace her detention with precautionary measures.

Pharmacist Muhammad Al-Sayyes has also forcibly disappeared for 5 days, after security forces arrested him on April 4, 2020, from a library in eastern Alexandria. Al-Sayyes appeared before the State Security Prosecution on April 9, he was interrogated in connection with case 558/2020 by the Supreme State Security Prosecution. The case includes a number of doctors, Al-Sayyes was accused of joining a terrorist group, publishing and broadcasting false statements and using an account on social media with the purpose of publishing and broadcasting false news. All that was in response to writing a status on his personal page on Facebook where he criticized the performance of the Minister of Health in dealing with the crisis of the spread of the new Coronavirus.

The security services, in their quest to prevent opinions critical of public health policies, not only arrested doctors and pharmacists, but also extended their practices to journalists and researchers. Police forces arrested Kholoud Saeed, an anthropologist researcher and head of the translation department at the Publishing Department at the Library Sector at the Bibliotheca Alexandrina, on April 21, 2020. She appeared before the State Security Prosecution in Cairo on April 28, seven days following her enforced disappearance, during which she was ill-treated and was denied access to her medication, or suitable food.

Kholoud Saeed was investigated pending Case 558/2020, the prosecution accused her of belonging to a terrorist group, spreading false news, and using a website with the aim of committing a crime. According to National Security Investigations, Kholoud published false news about the situation of the Coronavirus pandemic on her personal account on Facebook, while most of what she published was alerts to her friends about the need to adhere to the measures in order to prevent the emerging Coronavirus. Kholoud Saeed was supposed to be released on December 13, according to a decision from the Criminal Court, yet the decision has not been implemented until the issuance of this report.

On May 20, 2020, Security forces showed up at Shaima Sami's home, a journalist and former researcher at the Arabic Network for Human Rights Information, they arrested her. The security officers told her family that they would take her to the National Security headquarters in Alexandria, yet the Ministry of Interior denied the presence of Shaima Sami for 10 days, which she spent forcibly disappeared at the State Security headquarters in the Abees area in Alexandria. She appeared before the State Security Prosecution at the Fifth Settlement in Cairo, on May 30, 2020. The prosecution began investigating her in connection with the case 535/2020, she was accused of joining a terrorist group, spreading false news and misusing social media, her detention is constantly renewed, pending investigations since then.

Khaled Ghoneim, a broadcaster at Misr Al-Hayat Channel, disappeared for 15 days, he was detained during this period at the National Security headquarters in Abees, Alexandria, for writing a post on his Facebook account, in which he addressed the negligence of Al-Agamy Hospital in conducting the necessary tests and check-ups for those suspected of being infected with the Coronavirus. The police forces arrested Ghoneim from his home, on April 13, 2020, while he was interrogated by the State Security Prosecution on April 28, 2020, pending the case 558/2020, on charges of joining a group established in contravention of the law, spreading false news aimed at spreading panic among individuals and abusing of social media. He remains in custody pending investigations, until the issuance of this report.

Thus, Alexandria activists suffered from the brunt of security violations during the period that witnessed the spread of the new Coronavirus, indicating the continued approach of the security services in suppressing activists, researchers and journalists in their Governorate. This approach is discussed in the report with more detail in Section Two.

SECOND: FROM DISAPPEARANCE TO RECYCLING: MULTIPLE PATTERNS OF VIOLATING THE RIGHTS OF ALEXANDRIAN ACTIVISTS

In its second section, the report focuses on analyzing the patterns of violations that Alexandrian activists are subjected to, by going through the relevant laws and available information on their cases before the Supreme State Security Prosecution.

- **Disappearance: All Scenarios are possible**

Exposure to enforced disappearance triggers dread and horror, whether for the disappeared person or his family. All scenarios are possible, whether for a long period of time, being subjected to torture, or the possibility of being killed outside the framework of the law. However, state institutions, with the Public Prosecution at its core, insist on denying the existence of enforced disappearances, and in the words of Public Prosecutor Hamada Al-Sawy, “there is no enforced disappearance in Egypt.”¹ The Public Prosecution Office receives dozens of reports and telegrams on a regular basis complaining that individuals have disappeared at the hands of the security forces without any stated reason, without opening an investigation.

The International Convention for the Protection of All Persons from Enforced Disappearance, which Egypt has not yet signed,² states that enforced disappearance is “any form of deprivation of liberty that takes place at the hands of state officials, or persons or groups of individuals who act with the permission or support of the state or with its consent, followed by a refusal to acknowledge the deprivation of the person of his freedom or concealment of the fate or whereabouts of the disappeared person, depriving him of the protection of the law.” By going through the cases of the Alexandrian detained activists, the subject of this report, it is clear that enforced disappearance is a fundamental stage that most of them have gone through before being interrogated with or presented to the prosecution. Out of the 32 persons covered in this report, at least 26 of them have been subjected to enforced disappearance for periods ranging from two days to ten months, before they were formally presented to the prosecution for investigation.

Article (36) of the Criminal Procedure Law 150/1950 stipulates that “The Judicial Enforcement Officer shall immediately hear the statements of the arrested defendant, and if he does not come up with what exonerates him, he shall be sent within twenty-four hours to the competent Public Prosecution. The prosecution shall interrogate him within twenty-four hours, then order his arrest or release.” But in reality, what happens is quite different from what is stipulated in the law, as it took the security forces 313 days instead of twenty-four hours to bring Ahmed Ashraf Mahmoud Jaber (24 years old) to the prosecution. After he was arrested from his workplace in Alexandria, and during which he was moved between three state security headquarters in Cairo, where he was subjected to physical torture as well as solitary confinement.³

Lawyer Walid Selim also disappeared for 40 days, after the security forces arrested him from his home on October 23, 2018, until he appeared before the Supreme State Security Prosecution on December 3, 2018, to be investigated in connection to Case 1175/2018, on charges of joining a terrorist group. Selim’s period of pretrial detention exceeded two years, which is the maximum period of pretrial detention according to Article (143) of the Criminal Procedure Code, which means that his detention at the present time is against the law.

¹ Ahmad Shalabi, Mahmoud Ramzy, Al-Masry Al-Youm, Attorney General: “There is no enforced disappearance and no exceptional trials in Egypt,” published on November 22, 2020, last visit December 2020. <https://www.almasryalyoum.com/news/details/2093711>

² International Convention for the Protection of All Persons from Enforced Disappearance, New York, 20 December 2006. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en

³ The Egyptian Front for Human Rights, after 10 months of disappearance and torture: Ahmed Ashraf Mahmoud Gaber was imprisoned in State Security case 549/2020 on charges of joining a terrorist group, published on September 6, 2020, last visit December 2020. <https://egyptianfront.org/ar/2020/09/549-2020/>

It has been verified through monitoring that the National Security headquarters in the Abeeis region of Alexandria was the first to receive the forcibly disappeared, as it is an unofficial place of detention, which stands in violation of the law. The Association for Freedom of Thought and Expression (AFTE) monitored that two women and five men were subjected to physical torture by beating or electrocution, in addition to moral torture and threats, out of a total of 32 persons whose cases are covered in the report. These practices took place during the period of disappearance prior to the investigations.

- **Deportation: An Added Burden for Activists**

It is mandatory for investigation of terrorism crimes to take place in Cairo, even if the defendants are from other governorates, as the headquarters of the Supreme State Security Prosecution is located in the capital's highend district, the Fifth Settlement. This means that the accused activists covered in the report were transported via highways to Cairo. And whenever there are sessions of renewing custody pending investigation, the defendants detained in Alexandria are transferred there on the dates of these sessions.

In its annual report for the year 2004, the National Council for Human Rights issued recommendations to improve the transportation of prisoners and detainees and the use of cars with more humane standards. That was after incidents of death that had occurred while transporting prisoners. Such incidents were also repeated after the January revolution. On January 14, 2013, 18 prisoners suffered severe injuries after the deportation car that was transporting them from Fayoum Prison to a police station in Beni Suef overturned them⁴. On August 18 of the same year, 37 of the 45 prisoners were killed in the deportation car that was transporting them from the Heliopolis Police Department to Abu Zaabal Prison, after an officer threw a gas bomb inside the car, in response to the protests of the detainees in the car, who suffered overcrowding and overheating for 6 hours.⁵ Yet, for more than fifteen years, the Ministry of Interior has not improved the conditions for transporting prisoners and detainees.

According to Rule 73 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, "It is forbidden to transport prisoners in conditions that are poor in terms of ventilation, lighting, or any means that imposes undue physical trouble on them." The activists covered in the report are still suffering physically, as they are transported in poorly ventilated metal box deportation wagons on a highway that is more than 200 kilometers long.

The physical pain and discomfort in the deportation car increases, as the Interior Ministry officers continue to treat the defendants in a humiliating manner in most cases. In December 2020 the Public Prosecutor received a report by the Number of 27811 that requested opening of an investigation into the "use of cruelty" after complaints were voiced by Mahienour Al-Masry and Israa Abdel-Fattah before the court that they had been pushed by an officer while they were being transferred to attend the session renewing their detention in Case 488/2019. The two defendants requested not to be handcuffed with clamps inside the deportation car, so that they could control their position inside the car, which the officer objected to while using violence against them.⁶

4 ARIJ, Al Shorouk, Deportation Cars ... Moving Coffins, December 29, 2013, last visit December 2020.
<https://cutt.ly/3hFyYAm>

5 The Association for Freedom of Thought and Expression, Tarihila ... Report on the Abu Zaabal deportations vehicle accident, October 17, 2017.
https://afteegypt.org/publications_org/2017/09/28/13439-afteegypt.html

6 Free Esraa, Facebook, 14 December 2020.

<https://www.facebook.com/Free.esraa/photos/a.111873716893510/411649150249297/>

- **Detention: Punishment for Expression of Opinion**

Pre-trial detention turned into a pre-emptive punishment that is imposed on the defendants, for non-Cairenes it is a form of exile and alienation. In the cases covered by the report, some Alexandrian activists are placed in detention in Cairo, which adds burdens on their families in terms of travel to visit and communicate with their imprisoned relatives. While others remain in places of detention in Alexandria, which means frequent travel in the inhumane deportation cars.

Article 20 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides that “the detained or imprisoned person shall be placed, if he requests and his demand is possible, in a place of detention or prison reasonably close to his usual place of residence.”⁷ In this case, the Egyptian authorities deal with the fact that the presence of the remand prisoner in a prison close to his place of residence as an impossible requirement, because the Supreme State Security Prosecution and the terrorism departments responsible for looking into renewing the detention of defendants in counseling rooms are only present in Cairo.

And as the Prisons Organization Law 396/1956 did not make any reference to it regarding the geographical distribution of detainees in prisons, most of the defendants in state security cases who come from Alexandria, are divided between Tora prisons and Qanater Prison for Women. This makes the period of pretrial detention difficult for both the defendants and their families.

Instead of releasing those held in pretrial detention, as a precautionary measure to confront the Corona pandemic, the Ministry of Interior decided in March 2020, to suspend all visits to prisons, while allowing families to hand over a weekly visit (food and items) to supply their children with the personal belongings they need, accordingly, the families of Alexandrian detainees in Cairo must travel in order to hand out rations without seeing their children.

On December 11, 2019, the security forces arrested Alexandrian activist Hassan Mustafa, he did not appear before the prosecution until 14 days after his enforced disappearance. He was interrogated pending case 1898/2019, and accused of promoting the ideas of a terrorist group, deliberately publishing and broadcasting false news and statements, And using his account on social networking sites for the purpose of publishing and broadcasting false news and data. Hassan Mustafa is still being held in Tora Prison.

In June 2020, the mother of activist Hassan Mustafa died in Cairo after she arrived from Alexandria in an attempt to visit her imprisoned son without trial. After the prison administration handed over food to her son, and not being allowed to see him, she died on her way back.⁸

Lawyer Muhammad Ramadan went through a similar experience, even though he was detained in Borg El Arab Prison in Alexandria Governorate, and despite his detention without trial, and without evidence of his conviction, he was not allowed to visit his sick mother, and he was not allowed to attend her funeral after her death in August 2019, as the prosecution refused his request. On the other hand, Ramadan suffers from a number of health problems and does not receive adequate care in his prison.

These cases show the extent of the violations against the Alexandrian activists detained in pre-trial detention, as the abuse of them and their families increases, and the human and social conditions they are going through are ignored.

⁷ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, December 9, 1988, <https://www.ohchr.org/ar/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>

⁸ Al-Araby Al-Jadeed, the mother of the Egyptian detainee Hassan Mustafa dies on the road to the prison without seeing her son, June 9, 2020, <https://cutt.ly/thFiXvo>

- **Recycling cases: a final tool for abuse by the security services**

Although months, and sometimes years, have passed since the beginning of the investigation with all the defendants in connection with the cases on which this report relied, investigations have not been completed, and accordingly, the referral date for trial has become unknown. Most of the defendants in these cases faced the same charges related to joining a terrorist group, or supporting a terrorist group in achieving its goals, in addition to deliberately publishing and broadcasting false news and data, as well as using their accounts on social media for the purpose of publishing and broadcasting false news and data.

Despite the similarity and recurrence of the accusations, the general context for the arrest and being targeted by state security cases has had different motives over the past two years, as most of the defendants were investigated for two main reasons, the first being the calls to demonstrate on September 20, 2019, which were repeated in September 2020 on a smaller scale. This was a pretext for targeting human rights lawyers, activists, and those working in the public domain. The second reason appeared in the wake of the Coronavirus in March 2020, when a number of individuals were targeted for their objection to the state's performance in dealing with the health crisis, as well as the targeting of doctors in the course of performing their work.

Noone knows if all the defendants are accused of joining the same terrorist group, or if they are accused of joining different groups, as none of the prosecutors who initiated the investigations of all the cases on which this report is based has disclosed the name of this group, by extension they did not explain the ambiguous targets of this alleged terrorist group. It is interesting to note that individuals who have used their personal social media accounts are charged with cases related to publishing, which suggests that the government monitors the personal accounts of citizens, which is a flagrant violation of the right to privacy.

The Public Prosecution Office did not confront any of the defendants with any concrete evidence, and it always relied on the National Security Agency's investigations. Instead of the investigation running between questions related to the facts attributed to the defendants, investigators begin to ask the defendants about matters not related to the case, such as their social and political upbringing, or refute their social media posts.

Ziyad Abu Al-Fadl, a member of the Bread and Freedom Party, was arrested from his home on March 5, 2019. He forcibly disappeared until his appearance before the prosecution, which ordered his remand in custody pending case 1739/2019. Despite that a release order has been issued on November 3, 2020, after which he was transferred from his detention in Torah to al-Khalifah's Takhsiba (prison), in preparation for his release from Alexandria, the decision was not implemented, and he was interrogated again after his case was recycled a new case number of 855/2020.

After nearly a year of imprisonment for the human rights lawyer, Mahienour El-Masry, in pretrial detention, Mahienour's detention is being recycled pending a new case, which would allow circumventing the law and extending her pretrial detention for more than two years. On August 30, 2020, the Supreme State Security Prosecution investigated with Al-Masry in connection with Case 855/2020. According to the National Security Investigations, Mahienour Al-Masry joined a riotous group from inside her prison, without clear evidence supporting these claims.

Mahienour Al-Masry is considered to be one of the most prominent human rights lawyers, she has previously been charged in three cases, the first one was the Khaled Saeed demonstration case, in which she was sentenced to 6 months of imprisonment. The second case was that of storming the Raml Police Station, of which she has implemented the punishment issued against her, that was 15 months of prison, while in the third case, commonly known as the Tiran and Sanafir case, the court acquitted her of charges of demonstrating against the law.

Although the Montaza court has ordered the release on bail for Alexandrian lawyer Mohamed Ramadan after two years of pretrial detention pending the case 2018/16576, the release order has not yet been implemented. Instead, he was transferred from the Montazah Police Department in Alexandria to the Supreme State Security Prosecution in Cairo, where he was interrogated in custody over a new case.⁹

Ramadan was previously penalized with an arbitrary court ruling of 10 years imprisonment, and five years of house arrest, while preventing him from using social media for five years as well, in addition to a verdict that fined him for 50 thousand pounds on charges of demonstrating in June 2017, that was before another verdict with his acquittal was issued in this case.

In this regard, the State Security Prosecution ignores the text of Article (51) of the Lawyers' Law 17/1983, which states that "It is not permissible to investigate a lawyer or search his office without the knowledge of a member of the Public Prosecution or an investigating judge in cases permitted by the law. Other than in cases of flagrante delicto, the judicial arrest officer may not detain or arrest a lawyer accused of committing a felony or misdemeanor while exercising the right of defense, and the matter must be referred immediately to the first public attorney of the competent appeals prosecution. The public prosecution must notify the lawyers syndicate or its branch before commencing the investigation of any complaint against the lawyer within an appropriate time. The head of the syndicate or its subsidiary, if the lawyer is accused of a felony or misdemeanor related to his work, may attend the investigation. The syndicate and its relevant branch may request copies of the investigation without fees."

The lawyers syndicate was not notified during the interrogation with any of the detained lawyers, including the lawyer in Alexandria, and because the investigation records and details of the accusations against these lawyers were not made available to their defense team, it remains unknown whether these accusations are related to their work or not.

While the number of lawyers detained for their work across the country since 2018 until now has reached at least 35 lawyers,¹⁰ including 6 Alexandrians, it should be noted that there are two lawyers from Alexandria, Mahienour Al-Masry and Mohamed Ramadan. Seven lawyers of which have won the European Legal Syndicate's annual award, they are still in pretrial detention for periods ranging from one to three years.¹¹

⁹ Ahmed Salama, Darb, the curse of recycling ... Zahid: Muhammad Ramadan was referred to the State Security Prosecution in Cairo in preparation for his case to be recycled after his release in "Yellow Vests", December 8, 2020, link: <https://cutt.ly/phFu3fJ>

¹⁰ The International Committee of Jurists and the Tahrir Institute for Middle East Policy, Targeting the Last Line of Defense: Attacks on Lawyers in Egypt, 23 September 2020, last visit December 2020, link: <https://cutt.ly/ahFuLtv>

¹¹ Mahmoud Hashem, Darb, these are the seven detained Egyptian lawyers who won the most prestigious international award for lawyers (honours list) ... Freedom for the Black Robot, November 27, 2020, link: <https://cutt.ly/NhFil8a>

CONCLUSION AND RECOMMENDATIONS

The report reviewed the patterns of violations faced by Alexandrian activists, in light of the expansion of the National Security Agency in Alexandria Governorate in targeting them. The Association for Freedom of Thought and Expression, through issuing this report, aims to highlight these cases and mobilize efforts to release those detained in custody, in this regard we recommend the following:

First: The Public Prosecution should release Alexandrian activists under pretrial detention who are being punished for expressing their views.

Second: The Ministry of the Interior should ensure that detainees are transported in pre-trial vehicles that are provided with ventilation and lighting and do not impose physical trouble on them, in compliance with the relevant international standards.

Third: Professional syndicates, on top of which are the Lawyers' and Journalists' Syndicates, must investigate the situation of their members accused in state security cases, and provide them with legal support.

Fourth: The Public Prosecution must decide on complaints of enforced disappearance submitted by Alexandria activists.