

# Protests of Margins...

Report on Arrests During The 20 September 2020 Demonstrations



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## Methodology

This report is based on the information that AFTE obtained about arrests in connection with the two largest cases in 2020 in terms of the number of defendants, namely Case No. 880 and Case No. 960 (both registered with the Supreme State Security Prosecution). The sources of the information were AFTE's lawyer and others who attended the prosecution's investigations with the arrested during the period from 7 September to 7 October 2020. The information herein was last updated on 26 December 2020.

## Introduction

This report comes at the end of an eventful decade in Egypt and the Arab region, which began with the Arab Spring revolutions and concluded with a global pandemic, and the impacts of each of them are still continuing in a rapidly changing reality. It sheds light on the arrest of thousands of citizens in connection with protests, which has become a phenomenon that occurs every year.

By the end of 2020, Cases No. 880 and 960 came first in terms of the number of defendants, as the total number of defendants involved in both cases exceeded 1,920, according to AFTE. The report tries to analyze some patterns of arrest and accompanying violations.

It is important to point out the general context in which the mass arrests took place, as it reflects a systematic approach adopted by the Egyptian authorities, which is to impose more arbitrary restrictions on the right to stage any protests. Despite the change of the regimes that ruled Egypt over the past decade, which witnessed a rate of regime change higher than any previous rate since the middle of the last century, the silencing of voices and the confiscation of the right to peaceful demonstration and assembly remained, albeit with different tools.

The state of emergency during the era of late President Hosni Mubarak (1981-2011) was the main tool, while during the era of the Military Council that ruled the country for a transitional period from 2011 to 2012 the brutal and deadly security approach was the main tool to disperse protests, as happened in the Mohamed Mahmoud and the cabinet incidents. The matter differed slightly under the rule of late President Mohamed Morsi, as the main tool was to mobilize demonstrations in support of the Muslim Brotherhood group, from which Morsi hailed, as happened in the demonstrations that marked 100 days since Morsi assumed power, as well as the deadly demonstrations that took place outside Al-Ittihadiya presidential palace.

As for the current "July 2013" regime, Law No. 107 of 2013 – known as the "Protest Law" – was one of the first laws issued by interim President Adly Mansour in November 2013. The law constituted an extension and legitimacy of the emergency law, amid objections from parties and human rights organizations that denounced the law for depriving citizens of their right to peaceful demonstration. Since then, the Egyptian authorities have used – under this law – force to disperse any protests or rallies. They also used the law to pursue those who call for or participate in demonstrations. Despite the unfair law, some political parties tried to demonstrate in accordance with the provisions of the law, but the security authorities refused to give them the green light, which confirms the authorities' determination to prevent any protests against government policies.

The memory of the deadly dispersal of the Rabaa al-Adawiya sit-in is still fresh in our minds, as it was the deadliest massacre in modern Egyptian history and a key turning point by which the current regime established its legitimacy on the ground. Since then, the regime has maintained the policy of nipping the protests in the bud, albeit with different tools and varied degrees of violence. This is what happened to all pro-Muslim Brotherhood protests from 2013 to 2015, as well

as the protests organized by democratic political parties against the agreement to demarcate the maritime borders between Egypt and Saudi Arabia, where Egypt decided to cede sovereignty over two Red Sea islands of Tiran and Sanafir to Saudi Arabia in April 2016.

The same happened to the protests called for by Egyptian self-exiled businessman Mohamed Ali on 20 September 2019 against what he called “corruption of the president and some state institutions”. Thousands were arrested during the protests. The same scenario recurred this year, as the security authorities arrested hundreds of citizens who protested against various government policies during the period covered by this report.

Perhaps the most prominent observation is that these limited demonstrations occurred - unusually - in the margins of urban and rural areas, far from central Cairo and its major squares. The arrest of nearly two thousand citizens during the protests came as a continuation of the authorities’ approach of tightening the grip on the margins of cities and villages, and emphasizing that no rallies are permitted except for those supporting the regime. Less than two weeks after the anti-government protests were suppressed, the authorities allowed hundreds of supporters of the current president to demonstrate in the Al-Manassa Square in Cairo’s Nasr City and other squares in several governorates to celebrate the anniversary of the October War and to voice support for the president and state institutions upon a call from several loyal parties, most notably Future of the Nation Party.<sup>1</sup>

This report tries to shed light on the violations committed by the security services when they handled the protests, whether during the protests called for by Mohamed Ali or those staged against the reconciliation law on building violations. The report reveals all the information the working team obtained about the security campaigns that accompanied these protests.

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<sup>1</sup> Nermin Afifi, Live broadcast .. Egyptians celebrate the October victory, Al-Watan, 6 October 2020, last visited on 20 December 2020, <https://bit.ly/3nODUjX>

## First section: Context and circumstances of arrests, charges, and number of defendants

In its first section, the report draws a picture of the widespread suppression of the September 2020 protests, and the consequent decisions to detain hundreds on similar charges, in addition to the geographical scope of arrests, which shows the decentralization of the protests, as follows:

- **The September 2020 demonstrations: Background and causes**

The Law No. 17 of 2019 regarding reconciliation in building violations sparked angry reactions<sup>2</sup> on social media and triggered limited demonstrations in several governorates, according to lawyers who attended investigations with some of those arrested over the protests. The new law imposes fines on a large number of unlicensed buildings. Prime Minister Mostafa Madbouly estimated<sup>3</sup> the size of unplanned buildings at 50% of the urban areas in all cities and villages in the country. The law added more financial burdens on citizens amid deteriorating economic conditions that resulted from the introduction of a package of harsh economic measures that removed subsidy from many basic goods and services, as well as the global downturn resulting from the Covid-19 pandemic.

In conjunction with the protests against the reconciliation law on building violations, Mohamed Ali called for demonstrations on the anniversary of his previous call on 20 September last year, to demand the departure of President Abdel Fattah El-Sisi. Ali accused Sisi and some state institutions of corruption. The security services had suppressed the September 2019 demonstrations and arrested more than 4,400 people, “most of them were released this year, and only dozens are still detained in Case No. 1338 of 2019 (Supreme State Security Prosecution),” according to the Egyptian Commission for Rights and Freedoms<sup>4</sup>.

In response to Ali’s call, limited protests erupted in a number of poor villages and neighbourhoods in several governorates, most notably in Giza, Cairo, Luxor, Minya, and Alexandria. The pattern of violations that accompanied the September 2019 protests was repeated this year as well, indicating the Egyptian authorities’ determination to suppress protests and nip them in the bud.

- **At the Supreme State Security Prosecution: Same charges for hundreds of defendants**

Since 10 September 2020 and for a period of no less than a month, at least 1,920 defendants in Cases No. 880 of 2020 and 960 of 2020 have been brought before the State Security Prosecution in the Fifth Settlement in Cairo. Hundreds were arrested for different reasons during that period, as some were arrested for protesting against the reconciliation law on building violations, while others were arrested for demanding the departure of President Sisi. Some, meanwhile, were arrested for expressing their critical views on social media. The police stopped them in the streets and searched their mobile phones to find critical posts, even old ones that indicated they participated in political events years before. This led hundreds to be detained.

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<sup>2</sup> The Reconciliation Law on Building Violations angers many in Egypt, controversy over who bears the value of violations, BBC Arabic, 20 July 2020, last visited on 20 December 2020, <https://bit.ly/3h1bCA0> The Reconciliation Law on Building Violations angers many in Egypt, controversy over who bears the value of violations, BBC Arabic, 20 July 2020, last visited on 20 December 2020, <https://bit.ly/3h1bCA0>

<sup>3</sup> Safiya Hamdi, Details of the prime minister’s speech on building violations, new reconciliation facilities, Al-Mal, 9 September 2020, last visited on 20 December 2020, <https://bit.ly/2WuxuKH>

<sup>4</sup> The Egyptian Commission for Rights and Freedoms issues its report “A year after the 20 September events, Security alert and mass violations”, the Egyptian Commission for Rights and Freedoms, last visited on 20 December 2020, <https://bit.ly/3arMq4e>

Although hundreds were arrested for different reasons, all of them faced the same charges, without any evidence proving the validity of those charges. The State Security Prosecution charged those arrested with joining a terrorist group, participating in and inciting demonstrations, participating in a terror crime, and spreading false news on social media. These are almost the same charges levelled against all those arrested for political reasons over the past two years.

The State Security Prosecution did not clarify the name of the terrorist group which the arrested people were accused of joining, nor did it reveal the false news they allegedly spread<sup>5</sup>. The prosecution also did not provide any evidence for the validity of the accusations. It relied only on the National Security investigations which stated that the arrested people protested on 20 September 2020. This indicates the State Security Prosecution's complicity with the security services with the aim of imprisoning the arrested for expressing their views. The State Security Prosecution ordered the imprisonment of all those questioned during that period. The ages of those arrested ranged from 11 to 65 years, and they included only 10 women.

The security authorities used excessive force to disperse the limited demonstrations that took place in several governorates, including Alexandria, Cairo, Giza, Luxor and Minya. At least two people were killed when the security forces dispersed the protests, according to Amnesty International<sup>6</sup>.

According to lawyers who attended the investigations, a large number of those arrested during the protests against the building violations law appeared before the State Security Prosecution on charges of participating in the 20 September protests, although they were arrested during demonstrations that occurred before that date. The lawyers added that many were arrested from their homes on the same charges.

Many were randomly arrested from the streets surrounding the places of demonstrations, as security forces were deployed in key streets and squares, especially Tahrir Square and downtown Cairo. Just going to those places in the period from 10 September to the beginning of October was very risky. Those who went there at the time could be stopped by the police and asked to open their social media accounts for the police to check their posts and private chats to ensure they did not include any political content. If any political content is found, it may lead those citizens to be detained.

Lawyers noted that dozens were arrested after being stopped in the streets, their phones were searched, and political content was found on their phones. These arrests did not take place in Tahrir Square only, but also in Zawiya, downtown Cairo, Atfih, Basateen, and Zamalek, according to AFTE. This indicates the expansion of the violation of citizens' privacy by the security forces. According to lawyers, the majority of those arrested during those events did not have any previous political activity.

There was no official comment on the protests or the results of the security crackdown that aimed to suppress the demonstrations. However, the Public Prosecution issued a brief statement on 27 September<sup>7</sup> announcing the release of 68 children who were arrested during the protests. It said the decision to release the minors was taken after their parents "pledged to protect them, care for them, prohibit them from committing such acts in the future, and to not expose them to danger again". The statement added that the prosecution would continue to question the remaining suspects arrested during the protests, without revealing their numbers or any other information.

<sup>5</sup> These random charges of joining terrorist groups, whose names are not clarified, and spreading false news on social media are usually repeated, see, for example, the report: "You will not see the Sea! Alexandria activists in pretrial detention for expression of opinion," AFTE, 20 December 2020, last visited on 24 December 2020, <https://afteegypt.org/publications-org/2020/12/20/20523-afteegypt.html>

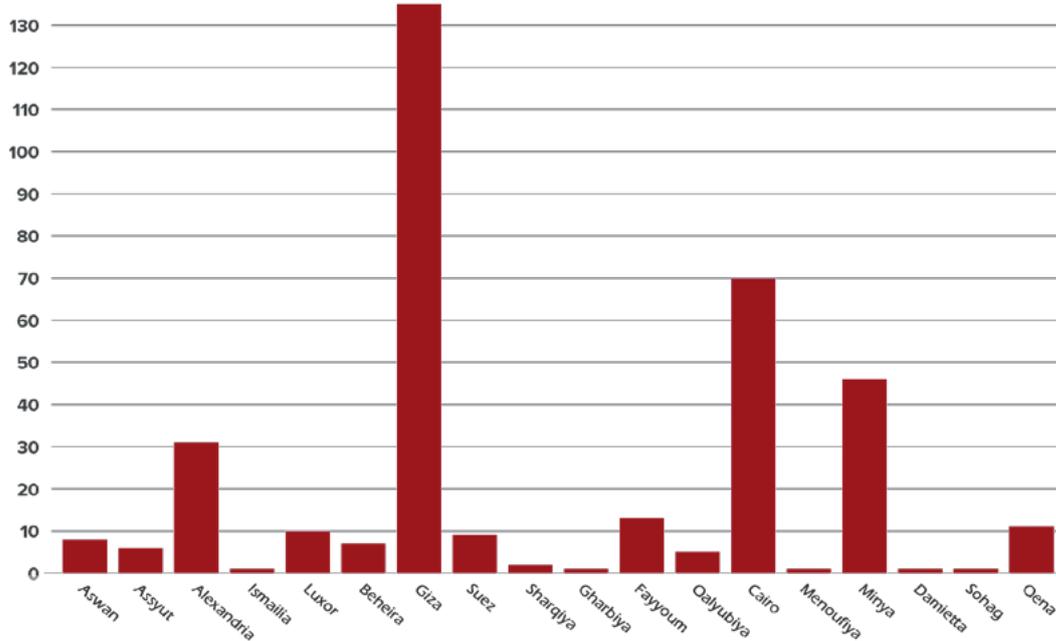
<sup>6</sup> Egypt: Rare protests met with unlawful force and mass arrests, Amnesty International, 2 October 2020, last visited on 20 December 2020, <https://bit.ly/2KnoN27>

<sup>7</sup> The Public Prosecutor orders the release of 68 children accused of participating in the recent riot, the Egyptian Public Prosecution's Facebook page, 27 September 2020, last visited on 20 December 2020, <https://bit.ly/38BieRZ>

- **Statistics on defendants: Numbers and geographical scope**

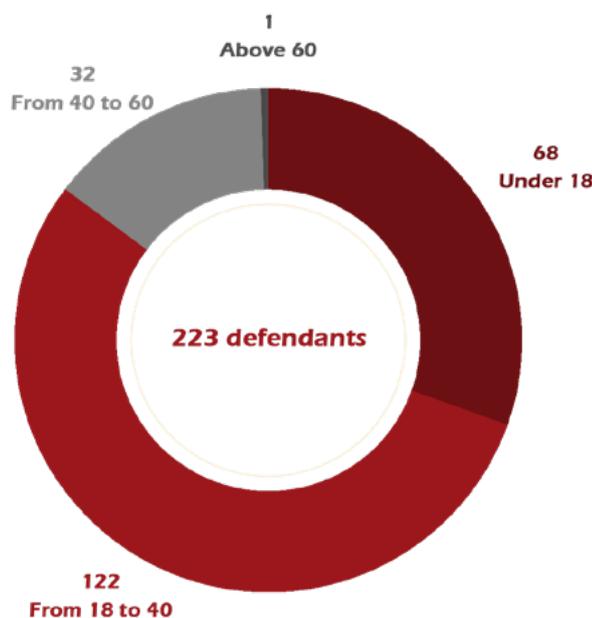
AFTE documented the arrest of at least 1,920 people from 18 governorates<sup>8</sup>. From among the approximately 358 people who AFTE knew where they were arrested, at least 135 were arrested in Giza, 70 in Cairo, 46 in Minya, and 31 in Alexandria.

**Numbers of those arrested in the September 2020 demonstrations, according to governorates, from a sample of 358 people**



Out of 223 people arrested during that period who AFTE knew their age, the age of 122 ranged from 18 to 40 years, while there were 68 minors under the age of 18.

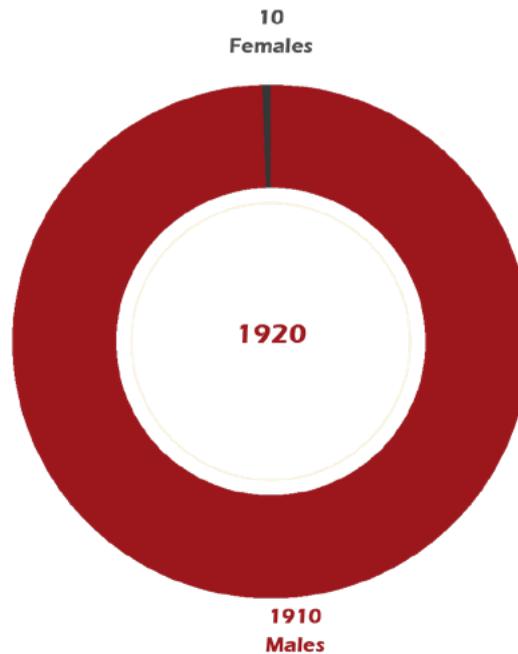
**Age categories of a sample of 223 defendants**



Most of those arrested were males, and there were only 10 females.

<sup>8</sup> A detailed database of arrests in Cases Nos. 880 and 960 of 2020, AFTE, [https://docs.google.com/spreadsheets/d/1sZ-3kg-jse-L9u0J8fuMWihP0\\_my4qCJR04KAt1knbl8/edit#gid=1632133062](https://docs.google.com/spreadsheets/d/1sZ-3kg-jse-L9u0J8fuMWihP0_my4qCJR04KAt1knbl8/edit#gid=1632133062)

## Distribution of the arrested according to gender



In November and December 2020, the State Security Prosecution released 418 people who were arrested in connection with the 20 September protests. The Public Prosecutor also ordered the release of 68 children who were arrested during the protests. Thus, the number of those released increased to 486. However, we were not able to verify that all the release decisions were carried out. The release decisions came as follows <sup>9</sup>:

- **On 7 November 2020, the State Security Prosecution ordered the release of 15 people who were detained in connection with Case No. 880 of 2020, and 4 others in connection with Case No. 960 of 2020.**
- **On 24 November 2020, the State Security Prosecution ordered the release of 69 people in connection with Case No. 880 of 2020, and 15 others in connection with Case No. 960 of 2020.**
- **On 26 November 2020, the State Security Prosecution ordered the release of 41 people in connection with Case No. 880 of 2020, and 33 others in connection with Case No. 960 of 2020.**
- **On 5 December 2020, the State Security Prosecution released 44 people in connection with Case No. 880 of 2020.**
- **On 10 December 2020, the State Security Prosecution released 23 people in connection with Case No. 960 of 2020, and 67 others in connection with Case No. 880 of 2020.**
- **On 18 December 2020, the State Security Prosecution released 39 people in connection with Case No. 960 of 2020.**
- **On 14 December 2020, the State Security Prosecution released 30 people in connection with Case No. 880 of 2020.**
- **On 20 December 2020, the State Security Prosecution released 38 people in connection with Case No. 960 of 2020.** <sup>10</sup>

<sup>9</sup> A database of release decisions in Cases Nos. 880 and 960 of 2020, AFTE, [https://docs.google.com/spreadsheets/d/1sZ-3kgjse-L9u0J8fuMWhPO\\_my4qCJR04KAt1knbl8/edit#gid=1622642269](https://docs.google.com/spreadsheets/d/1sZ-3kgjse-L9u0J8fuMWhPO_my4qCJR04KAt1knbl8/edit#gid=1622642269)

<sup>10</sup> A list of those who were ordered to be released, AFTE, [https://docs.google.com/spreadsheets/d/1sZ-3kgjse-L9u0J8fuMWhPO\\_my4qCJR04KAt1knbl8/edit#gid=1622642269](https://docs.google.com/spreadsheets/d/1sZ-3kgjse-L9u0J8fuMWhPO_my4qCJR04KAt1knbl8/edit#gid=1622642269)

## Second section: Violations that accompanied the arrest of citizens

After reviewing the security practices towards the demonstrators and the number of arrests and their geographical scope, the report reviews in its second section the violations that accompanied the arrests during the September 2020 protests. These include enforced disappearance of those arrested before being referred to the prosecution, violation of their right to privacy, and searching their opinions and political views. These patterns of violation can be explained as follows:

- **Enforced disappearance**

Arresting citizens, concealing their place of detention from their families and lawyers, and not bringing them to the legal investigation bodies have become a usual pattern of violation that most of those arrested over political activism or for expressing their views are exposed to. The danger of this pattern of violation lies in depriving the arrested of legal protection, thus exposing them to horrific violations during the period of detention, such as extrajudicial killing and torture.

AFTE team observed that the majority of those arrested in connection with Cases No. 880 of 2020 and No. 960 of 2020 were subjected to enforced disappearance for a period of time varying from two to 17 days during which their relatives could not reach their place of detention or know why they were arrested. The security authorities usually fabricate the date of arrest by writing a report stating that the person was arrested one day before he appeared before the State Security Prosecution.

Although the majority of the families of those arrested filed complaints about the enforced disappearance of their relatives, official authorities - especially the Public Prosecution and the interior ministry - refuse to acknowledge that those arrested by the police were subjected to enforced disappearance. Perhaps the most recent statements in this regard were made by Public Prosecutor Hamada Al-Sawy<sup>11</sup> during his meeting with the youth of the National Training Academy for Qualifying Executives for Leadership, in which he said that “there are no enforced disappearance or exceptional trials” in Egypt, although thousands of complaints were sent to his office from the families of victims of enforced disappearance.

One of these complaints was sent by the family of one of those arrested in connection with Case 880 of 2020 (we keep his name anonymous at the request of his family). The complaint stated that the person disappeared after he was arrested in Helwan. The victim’s brother learned of the arrest from a friend who was with his brother at a shop when a police force came and asked him to display his ID card. Then, the police took the victim in a private car.

During the interrogations, the arrested person said the police took him to the Helwan Police Station, then to the National Security headquarters in Maasara, then to the security forces camp in Tora, and finally to the security forces camp in Giza where he stayed from 22 September to 5 October. During that period, the Helwan Police Station denied his arrest or knowing his whereabouts. On 5 October, the arrested person appeared before the State Security Prosecution, where he was beaten.

The investigation report stated that the person was arrested only one day before he appeared at the State Security Prosecution’s office, according to his brother. The prosecution decided to remand him in custody pending investigation in connection with Case 880 of 2020. He was then moved to Abu-Zaabal prison where he was denied visits and was not allowed to receive money via mail.

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<sup>11</sup> Ahmed Shalaby, Mahmoud Ramzy, Public Prosecutor: “There are no enforced disappearance or exceptional trials in Egypt,” Al-Masry Al-Youm, 22 November 2020, last visited on 20 December 2020, <https://bit.ly/37CnN3g>

The victim did not participate in any protests during the period that preceded his arrest, but according to his brother he shared videos a few days before his arrest showing the demolition of some buildings in implementation of the law on building violations and he voiced his objection to that. So, it is likely that he was arrested for sharing those videos.

Hundreds of those arrested during the protests were subjected to enforced disappearance. They include farmer Abdel-Rahman Ramadan, who forcibly disappeared for nearly 9 days after he was summoned to the National Security headquarters in Assyut on 13 September 2020 for posting a video on Facebook about the demolition of some unlicensed buildings. Since that date, his family had not known his whereabouts or why he was arrested, until he appeared before the State Security Prosecution in the Fifth Settlement on 22 September in connection with Case No. 880 of 2020.

Also, a police force in the Qanater al-Khayriyah district, Qalyubiya Governorate, arrested the two brothers Ahmed and Mohamed Hosni Mohamed, and the two brothers Adel and Mahmoud Sabri Ghamri on 9 September 2020. None of the four appeared for 17 days until they appeared before the prosecution in connection with Case No. 880 of 2020, facing the same charges levelled against other defendants in the case.

- **Violation of the right to privacy**

Once Mohamed Ali called for protests on 20 September 2020 on the first anniversary of his previous call, security forces were deployed in key squares and streets. They stopped citizens randomly and searched their mobile phones and social media accounts, and arrested those whose accounts had anti-government posts. The security authorities have practiced this pattern of violation since September 2019.

According to lawyers who attended investigations with a number of defendants in Cases 880 and 960 of 2020, many were stopped by the police in a street or a square and had their phones searched. Then, they were detained after anti-government posts, mainly about the law on building violations, were found on their phones.

The police arrested a veterinary pharmacist in Al-Ayyat on 20 September 2020 after searching his phone, where the police found a post in which he shared a video showing the demolition of some buildings in implementation of the law on building violations. The pharmacist appeared before the prosecution 3 days after his arrest.

Mohamed al-Sayed Ali, a faculty of arts student, was arrested after a police force stopped him in Zamalek, searched his phone, and found a post in which he criticized police practices. Ali was brought before the State Security Prosecution 8 days after his arrest on 17 September 2020, where he was remanded in custody in Case No. 880 of 2020 on the same charges stated in the case.

Karim Mohamed Omar, a sales representative, was also arrested at a coffee shop in Al-Zawia Al-Hamra in Cairo, after the police searched his phone and found a post in which he criticized the same law. He appeared before the State Security Prosecution on 17 September 2020 as a defendant in Case No. 880 of 2020.

Ali Mohamed Abu-Hashem Abdel-Latif, 50, was also arrested in Tahrir Square while he was going to book a flight ticket from a travel agency after a police officer in civilian clothes stopped him and searched his phone and found a post criticizing the law on building violations. He was arrested on 19 September and brought before the State Security Prosecution on the 22nd of the same month.

There was heavy police deployment in Tahrir Square and downtown Cairo right after the calls for anti-government protests, where citizens were stopped and had their phones searched. Violation of privacy was not limited to passers-by, as security forces used to raid houses in downtown Cairo ahead of any anniversary of the January 2011 revolution or after calls to demonstrate against the current regime. Police forces usually search the houses and arrest those found in possession of any evidence that may indicate their criticism of the current regime.

In addition to the two aforementioned patterns, AFTE documented at least 12 incidents in which the police arrested more than one person from the same family during the security campaigns that accompanied the calls for protests. For example, a police force arrested the two brothers Mohamed and Karim al-Sayed Saad from their home in Al-Basateen in Cairo on 21 September 2020. The two brothers were brought before the State Security Prosecution on 5 November 2020 as defendants facing the same charges in Case No. 960 of 2020.

In a similar incident, Rizk Taha Abdel-Zaher and his two sons, Ahmed and Mohamed, were arrested, but we were unable to know the circumstances of their arrest. The three were included among the defendants in Case No. 880 of 2020.

In another incident, the two brothers Hamada and Abu Al-Saud Mahmoud Fadl and their nephew Youssef Shaaban Mahmoud Fadl were arrested from their home in Qena on 21 September 2020. They were brought before the State Security Prosecution on 27 September 2020 as defendants in Case No. 880 of 2020.

## Conclusion and recommendations

Any attempt to organize peaceful assembly in Egypt, regardless of its causes, is usually met with excessive force by the police, based on the restrictive provisions of the Protest Law. In the incidents covered by this report, the police arrested 1,920 citizens in a short period of time. Therefore, AFTE presents the following recommendations to the Egyptian authorities:

- **The Public Prosecutor should order the release of the rest of defendants in Cases No. 880 and No. 960 of 2020, after 440 out of 1,920 defendants were released.**
- **The Public Prosecutor should launch a serious and transparent investigation into the killing of two civilians during the September 2020 demonstrations, as well as the complaints about enforced disappearance during these events.**
- **The interior ministry should immediately implement the release decisions issued by the Public Prosecution, and stop levelling new charges against those released, in what is known as the “recycling of defendants”.**
- **The interior ministry should stop violating the privacy of citizens by searching their phones and other electronic devices at checkpoints in streets and squares.**
- **The newly-elected House of Representatives should initiate legislative reform, ensuring the repeal of the repressive Protest Law.**