

# The Stop Enforced Disappearance Campaign

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A campaign launched by the Egyptian Commission for Rights and Freedoms (ECRF) on August 30<sup>th</sup> 2015, in conjunction with the International Day of Victims of Enforced Disappearance, in order to raise awareness of the seriousness of the crime of enforced disappearance on the Egyptian society and the need to stand up to the crime of enforced disappearance in Egypt in light of the expansion of the Egyptian authorities in the commission of the crime, providing psychological, informational and legal support to victims of forced disappearance and their families and providing psychological support to them, and to call on the State to reveal the fate of persons who were forcibly disappeared, with the constant denial of crime, the prosecution of perpetrators, and the fight against impunity, to obtain compensation and reparation for victims, and to pressure decision-makers to address legislative shortcomings in Egyptian laws, through the enactment of a law to criminalize enforced disappearance, and to accede to the International Convention for the Protection of All Persons from Enforced Disappearance.



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## *Executive Summary*

The crime of enforced disappearance is still on top of the list of human rights violations committed by the Egyptian authorities and apparatuses lead by State Security sector that functions under the ministry of interior, in spite of all the continuing demands and calls from both national and international organizations for the Egyptian authorities with the need to contain the use of enforced disappearance against Egyptian citizens, for what it leads to regarding depriving the person of legal protection and the increase of possibility of being subjected to torture and mistreatment, or murder outside of the law sometimes, and depriving people from their original rights to be provided a fair trial. Although enforced disappearance has been declared a crime if practiced systematically or commonly, and although both Egyptian law and constitution have definitely addressed criminalization violations resulting from enforced disappearance, still, the Egyptian authorities' actions clearly shows their insistence to continue using the enforced disappearance to place fear in society.

In lights of such practices, the report tries to analyze the patterns followed by the Egyptian authorities during the period of September 2018 – February 2019, where the report has monitored the subjection of 179 persons from 19 governorates to enforced disappearance during the previously mentioned time frame. Also the report shows the different patterns of different disappearances where it was found that most of the cases were subjected to periods of disappearance for periods of time varying from 2 weeks to 3 months, while the Egyptian authorities have been legally manipulating the periods of enforced disappearance using the articles of the terrorism law.

The report also monitored the frequent cases of disappearance for several women who have been arrested from different places where most of them were enforced disappeared for periods of time longer than 3 months.

Also, the most prominent pattern monitored by the report was the frequent enforced disappearance of some victims inside police stations and official location of detention, where the group monitored frequent cases of enforced disappearance of people who have been kept in their locations of detention even after decisions of release had been issued several times then finding them appearing in other cases in what's known as "recycled" cases.

Also, the report shows a number of cases who were arrested from Cairo airport and cases of kids under 15 years old.

At the end, the report concludes with some recommendations for the Egyptian authorities on top of which for the state security sector to stop the practice of enforced disappearance against Egyptian citizens, the necessity of criminalizing the enforced disappearance in Egyptian law, and that the Egyptian authority stop perusing human rights defenders and civil society organizations which mainly work on monitoring human rights violations.

## *Methodology of the Report*

For the purpose of research and working on this report, the working group has made several direct interviews with some enforced disappearance victims, their families and a number of human rights defenders and lawyers, during the period of time included in the report September 2018 – February 2019 where the campaign team has worked on following up and communicating with the families of the enforcedly disappeared to monitor their appearance and provide proper legal support.

Because of the security danger and pressure, and the constraints human rights organizations have been facing, that reached up to arbitrary arrests of some human rights defenders and people who report human rights violations, direct interviews were hard to do with some of the cases and phone or internet interviews were safer alternatives.

This report documents 179 cases of enforced disappearance in 19 governorates whose families have been directly interviewed by the campaign team. The team has also interviewed 10 human rights lawyers and defenders who barely work with cases of enforced disappearance, and also directly interviewed some survivors.

All the testimonies used in this reports have been approved by their owners to being used and published. In some interviews, the survivor asked remaining anonymous so the report used the “fake name” expression with their interviews.

The stop enforced disappearance team has been working on obtaining copies of the reports, records, telegrams and all procedures taken by the families claiming their victim had been arrested and enforcedly disappeared.

The campaign team calls on the families of those subjected to enforced disappearance to communicate with the campaign to be provided all sorts of legal and media support, and the team stresses on remaining playing its role as a partner and a supporter for the families of the enforcedly disappeared in their tough journeys of finding their loved ones, with the full support of the survivors’ rights to get the proper compensation and perusing those who had committed such crime and work against them running away from punishment<sup>1</sup>.

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<sup>1</sup> An online application to report someone who is enforcedly disappeared  
<https://www.facebook.com/StopForcedDisappearance/app/208195102528120/>  
[https://stopendis.org/?page\\_id=140](https://stopendis.org/?page_id=140)

## Introduction

“They broke down our house door at dawn and arrested me and my son then took us each in a car. When we reached the police station, I found my son blindfolded and his hands were cuffed from behind. They took up to the state security office on the last floor of the station and let me there till the next day, then an officer came and started interrogated me while I was blindfolded. When I told him I did not know anything about what he was saying, he and his soldiers kept slapping and kicking me while I was blindfolded, electrocuted me, told me my son is in ISIS, and once I tried to remove the fold off my eyes so he hit me with his shoes and broke my teeth. I was kept for 21 days with one meal a day, and allowed the bathroom also once a day. Afterwards they left me with no record, prosecution or interrogation, and when I asked about my son the officer told me he had escaped and if I came to ask about him again he would arrest me and I would not see the streets again. When my wife went to the station to ask about us she was told no one was there with our names and refused to allow her to make a record.”

A part of the testimony by Hamdi Abdel Moo’ti “fake name”, one of the survivors of enforced disappearance and the father of one.

This testimony is probably an entrance to just a part of the suffering a whole family lives when one or more of its members is subjected to enforced disappearance, and an indicator to what the practice of enforced disappearance includes regarding the many violations of basic human rights of the victims and their families.

The journey of the enforced disappearance mostly begins with the after midnight raid of police forces lead by a number of state security officers who arrest people without showing the prosecution’s permit or any legal grounds or clarification of the arrest, in violation of the Egyptian constitution<sup>2</sup> and law<sup>3</sup>, and from that point the fate of the person remains under the mercy of the state security officers. The stage of detention starts with a detention in one of the unofficial locations of detention which are mostly one of the state security offices or their departments in police stations or security camps, then the victims begin their journey of interrogation, and coerced confessions under torture.

Enforced disappearance has its negative impact on both the victims and their families equally, where the families go through quite a suffering during their journey to find their disappeared loved ones, since they don’t know where they are detained or what they are going through or if they even are still alive. Not to mention that in most of the cases, the disappeared person is the main supporter of the family which puts the family into even more suffering from lack of resources and increase of life expenses, which violates the family’s right for protection and guidance and the right to get sufficient live standard, plus handling the financial burden of the journey of finding the victim, which is why the families of the victims are considered victims themselves of enforced disappeared in

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<sup>2</sup> Egyptian Constitution Article 54: Personal freedom is a natural right which is safeguarded and cannot be infringed upon. Except in cases of in flagrante delicto, citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation.

<sup>3</sup> Code of Criminal Procedure Article 40: "No one shall be arrested or dismissed except by order of the legally competent authorities. Any person who is arrested or dismissed shall be treated in a manner conducive to the preservation of his human dignity and shall not be subjected to physical or mental harm. "

article 24 of the International Convention for the Protection of All Persons from Enforced Disappearance in its 1<sup>st</sup> paragraph<sup>4</sup>. Also, the same article in its 6<sup>th</sup> paragraph stated on the responsibility of the state in taking all needed measures to help the families of disappeared in all social and financial matters<sup>5</sup>.

Also, enforced disappearance results in great violation for a number of basic human rights for the victim that have been stated by the basic covenants for human rights, of which the most important is the Universal Declaration of Human Rights, the two International Covenants, and other international documents, as well as the declaration regarding protecting all people from enforced disappearance and international Convention for the Protection of All Persons from Enforced Disappearance which are considered a principle document in combating the crime of enforced disappearance, which numerated the forms of danger and violations resulting from enforced disappearance with violating the person's right to be acknowledged for his legal identity at the top, with his right for liberty and security, his right for not to be subjected to torture or any form of degrading or humiliating treatment. Article 2 from the covenant also specified the definition of enforced disappearance to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law<sup>6</sup>.

In spite all calls and both national and international demands on the Egyptian government to take necessary measures to mitigate the phenomenon of enforced disappearance which is considered a crime against humanity if practiced systematically and on a wide geographic range<sup>7</sup>, the dealing of Egyptian authorities – mainly security apparatus – still indicates the clear insistence to continue with this practice. The previous months have witnessed the Egyptian authorities using one of the articles of the counter terrorism law, number 94 for 2015 ratified on April 27<sup>th</sup> 2018<sup>8</sup>, where the security forces arrested a number of people on November 1<sup>st</sup> 2018 and concealed their location for almost 3 weeks with no communication with either their families or lawyers. And on November 21<sup>st</sup> 2018, a number of those arrested appeared among a group being presented to the state

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<sup>4</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article 24 (1): For the purposes of this Convention, "victim" means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.

<sup>5</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article 24 (6): Without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, each State Party shall take the appropriate steps with regard to the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights.

<sup>6</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article 2

<sup>7</sup> Rome Statute of the International Criminal Court article 7

<sup>8</sup> The Director of Judicial Control shall be entitled to collect evidence and to search for the perpetrator and to reserve it for a period not exceeding twenty-four hours. The judicial commissioner shall be released and a copy of the proceedings shall be made available to the public prosecutor or the competent investigative authority, as the case may be. The Public Prosecutor or the competent investigating authority shall have the right to order the continuation of the reservation for a period not exceeding seven days and the order shall be issued by at least one public defender or the equivalent thereof. The duration of the detention shall be calculated within the period of preventive detention and the accused shall be placed in a place designated by law.

security prosecution in case 1552 in 2018 state security, but – against the norm – the arrest record was set on the actual date of the arrest not the day prior to the interrogation, in an attempt to apply some legitimacy and manipulate the situation as if the period of enforced disappearance was included in the detention process.

Dentist and former member of the parliament, Mustafa Al-Naggar – has been subjected to enforced disappearance since September 28<sup>th</sup> 2018, where his Facebook account has published a post on October 13<sup>th</sup> stating he had been arrested; “Dear reading, if you can read this now it means that the writer has gone behind bars<sup>9</sup>.”

His wife stated that all communication with him has been cut since the previously mentioned date and that during the last phone call between them he informed her that he had reached Aswan before cutting all communication with him. His wife received a phone call from an anonymous person on October 10<sup>th</sup> telling her Mustafa Al-Naggar had been arrested<sup>10</sup>, and his family afterwards presented several records about his disappearance.

The State Information Service (SIS), of the Presidency of the Republic, issued a statement denying the arrest of Mustafa Al-Naggar and stating that he was a fugitive from a 3 years sentence with charges of insulting the judiciary according to the official information from the competent apparatus, as mentioned in the statement<sup>11</sup>.

In light of the Egyptian state's denial of enforced disappearances and torture, the continued ignorance of records of disappearance, the crackdown on civil society organizations, especially those working on documenting human rights violations as what has happened with human rights lawyer and director of the Egyptian coordination of rights and freedoms Ezzat Ghoneim, and the continued threats of arrest, detention and falsifying charges against human rights defenders in Egypt which has been always the biggest challenge facing those groups, still in conjunction with the lasting effort of such organizations to defend human rights and document the violations those victims suffer, to hold those responsible for such crimes accountable and reach reparation for the oppressed, the stop enforced disappearance campaign decided to keep researching and documenting while providing full support and guidance for the victims of enforced disappearance during their journeys to find their loved ones.

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<sup>9</sup> Mustafa Al-Naggar’s official Facebook account:

<https://www.facebook.com/mostafa.alnagar.129/posts/10156513982946487>

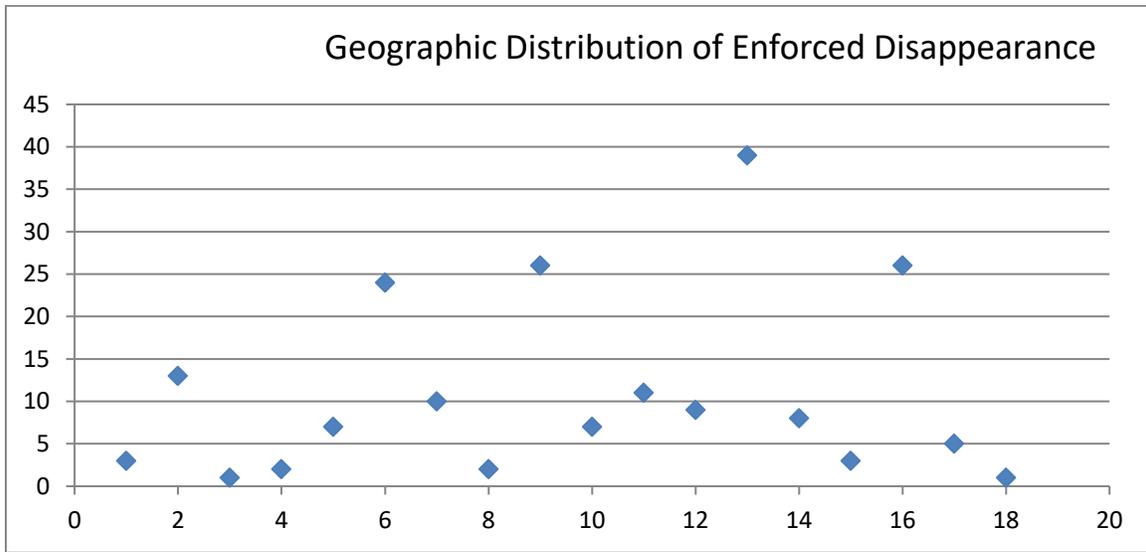
<sup>10</sup> <https://stopendis.org/?p=6137&fbclid=IwAR3wF2c9qAmtOyQwCpiiMOjytiYgLdJCOVsP6aGOPCL0wCqqZKIOsIFrM>

<sup>11</sup> SIS: Mustapha al-Naggar is not detained and authorities are not aware of his whereabouts until now  
<https://urlzs.com/w3j2>

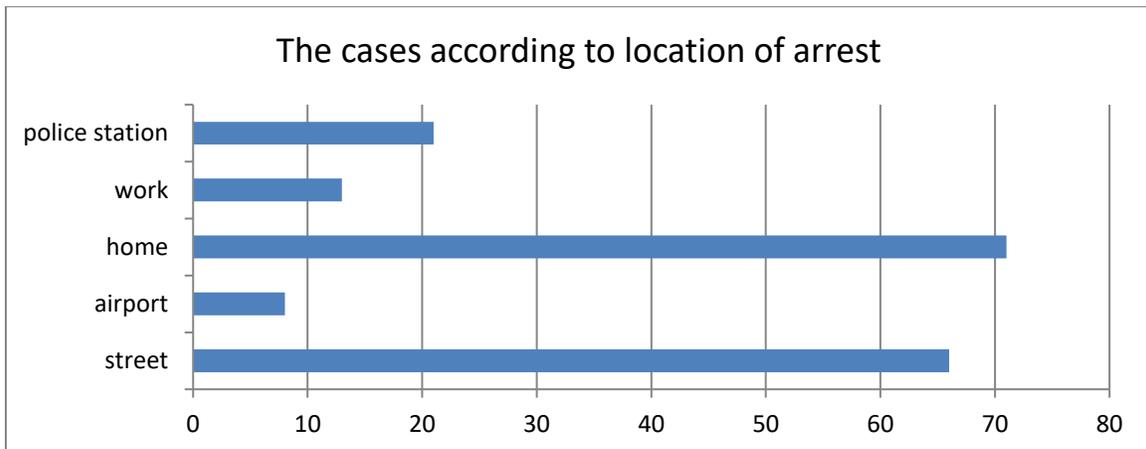
### Statistical analysis of enforced disappearances

The campaign has documented 179 cases of enforced disappearance in 19 governorates during the past few months, as well as following up with the cases that appeared after different periods of enforced disappearance while being listen in cases, which nullifies the continued version of the story by the state to deny any cases of enforced disappearance, where the team has documented the appearance of 88 cases after several periods of enforced disappearance ranging from 2 weeks to 6 months.

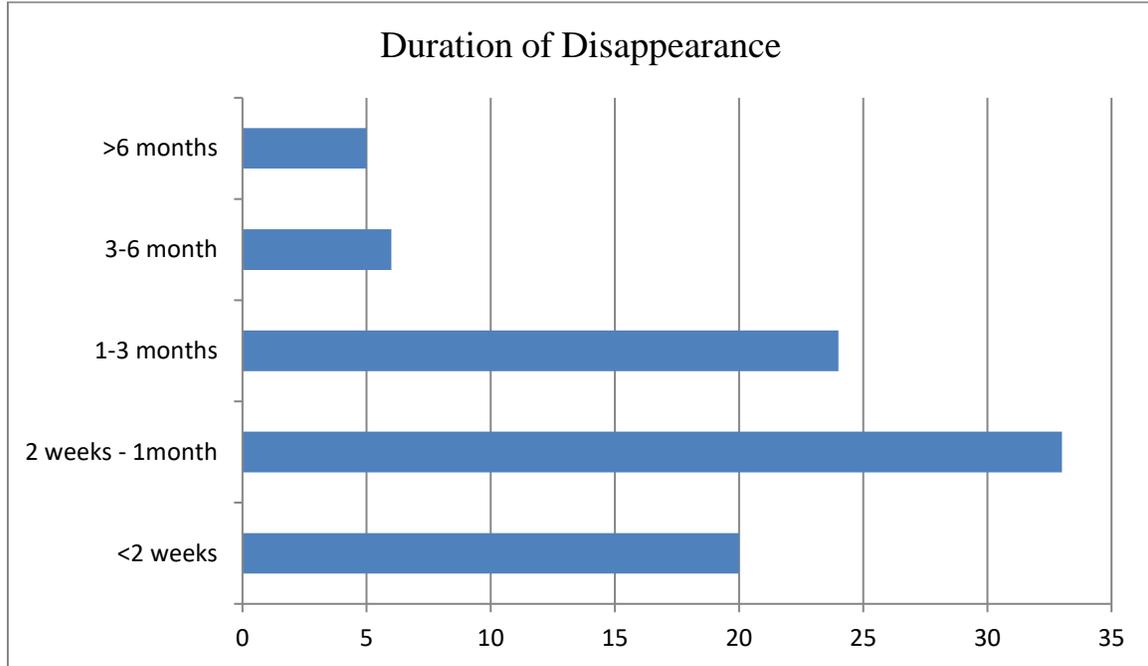
The following diagram explains the geographic distribution of the cases of enforced disappearance according to the governorate.



The following explains the categorization according to location of arrest:



The following explains the categorization according to duration of disappearance:



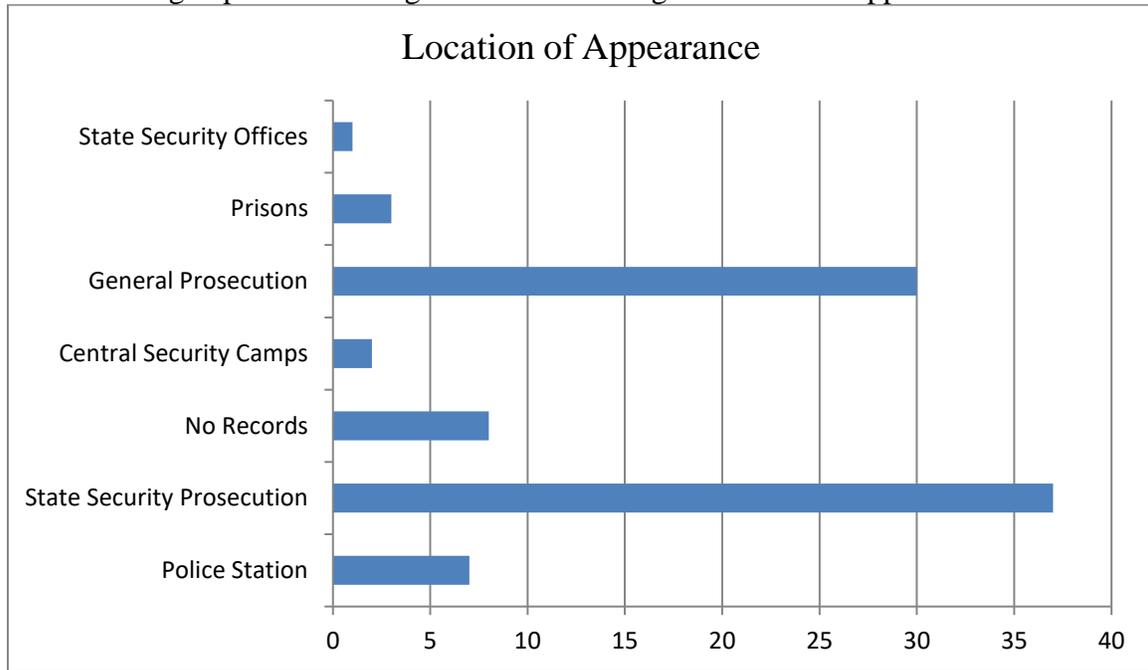
The Working Group on Enforced or Involuntary Disappearances issued its annual report<sup>12</sup> last September regarding the follow up on the cases of enforced disappearance and the respected record, where 137 records of enforced disappearance have been issued to Egypt, so the UN group has expressed its concerns regarding the continued constraints on the working space for the civil society in Egypt which could affect the organizations and individuals reporting the cases of enforced disappearance in Egypt.

The group also stressed its deep concern regarding the frequency of short term enforced disappearances which leaves no area of doubt that the Egyptian authorities have been systematically practicing enforced disappearance, which comes at the same time as the increase of rate of enforced disappearance of several reporters and human rights defenders in Egypt.

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<sup>12</sup> The annual report by the working group on Enforced and Involuntary Disappearances of the United Nations, September 2018: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/236/84/PDF/G1823684.pdf?OpenElement>

The following explains the categorization according to location of appearance:

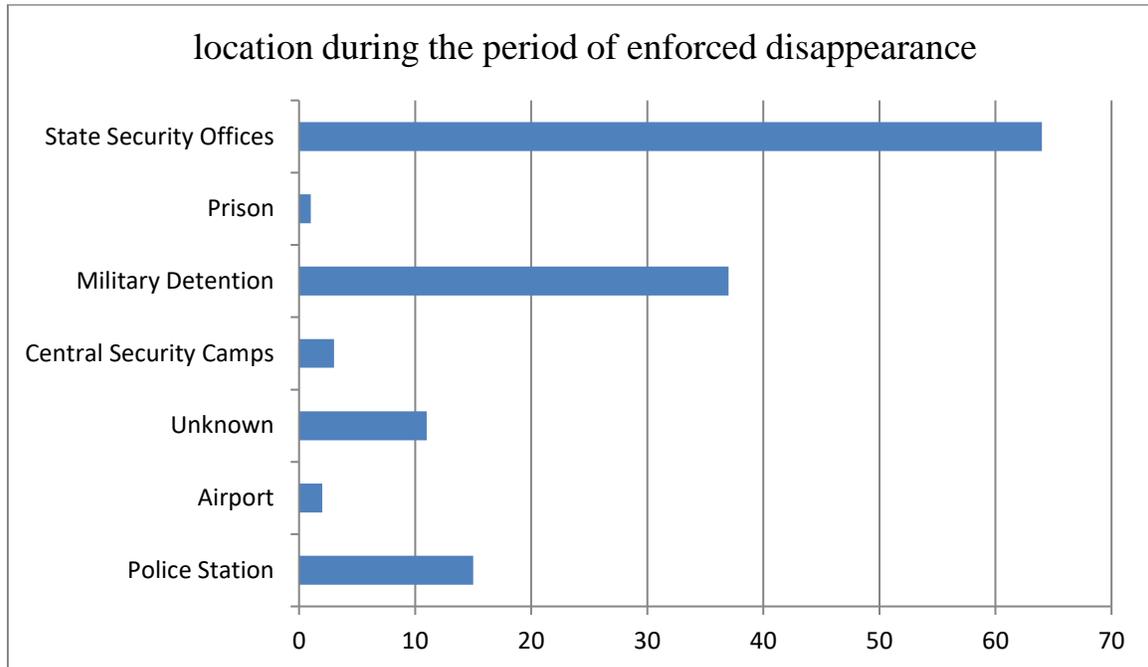


This last diagram shows the location of appearance documented in the period September 2018 – February 2019, and it is noticeable that almost 45% of the cases appear in front of the supreme state security prosecution which is specialized in terrorism cases and other cases related to state security, however a number of testimonies by the victims who had appeared in the state security prosecution pointed out that the prosecutor started the interrogation in most of the cases while the person was blindfolded, terrorized and coerced to confess. According to the testimonies of a number of the lawyers – who asked to remain anonymous – that the first appearance of the victims mostly happened while they had been being interrogated without lawyers with lawyers being assigned to attend the interrogation with them. They mentioned that even in cases where human rights lawyers were allowed in the first interrogation after the appearance, this happened after the prosecution held a session with the victim to interrogate him before being questioned with the presence of his lawyer, in a clear violation to the right of the accused to be interrogated only with the presence of a lawyer that he himself chose<sup>13</sup>. Afterwards, the lawyer was usually allowed to attend the interrogation after the victim had already stated what was required of him, which was usually the result of being tortured in state security offices during the period of enforced disappearance. The international treaties have stressed on the necessity that the investigation entities must exclude any confessions resulting from torture or ill-treatment<sup>14</sup>.

<sup>13</sup> Basic Principles on the Role of Lawyers 1: All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings. Rome Statute of the International Criminal Court 55: To be questioned in the presence of counsel unless the person has voluntarily waived his or her right to counsel.

<sup>14</sup> International Convention against Torture, article 15: States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

The following explains the categorization according to location during the period of enforced disappearance:



The previous chart explains the location during the period of enforced disappearance, according to the testimonies of the survivors of enforced disappearance and a number of the families who had obtained information about their disappeared loved ones through back doors, or who had reasons to think that those were the location of the detention. We notice here that the state security offices – which are unofficial location of detention – topped the list, and that most police stations have state security offices inside where the person inside the prison responsible for the enforcedly disappeared person is. Also, 3 survivors stated that they were detained in central security camps, other 3 were in military detentions, 2 mentioned they were disappeared and interrogated inside Cairo Airport, while 11 did not know where they had been detained during their enforced disappearance.

### Enforced Disappearance of Women:

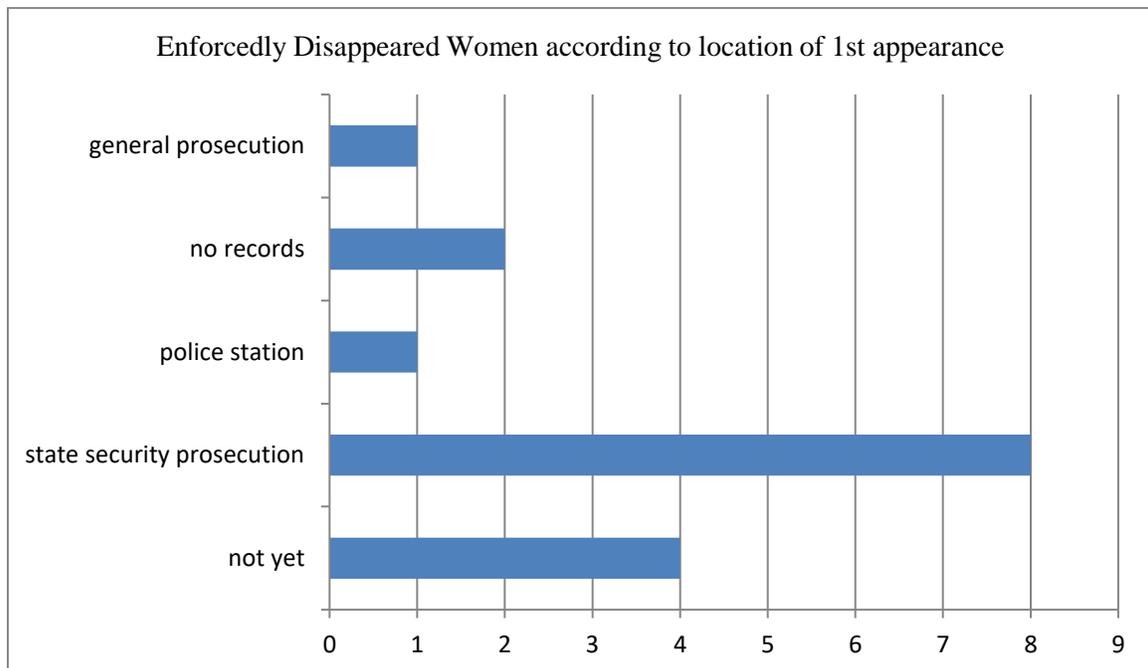
“My mom needs 3 medications to be taken daily, and now it’s the 4<sup>th</sup> day and she hasn’t taken them which put her life in danger.

They blindfolded mom while taking her down from the house. They did not agree to take any of her personal belongings or medicine with her.”

From the phone call with Gehad, daughter of lawyer Hoda Abdel Moneim during her enforced disappearance.

Security forces arrested lawyer and member of the national council of human rights, Hoda Abdel Moneim, earlier on November 1<sup>st</sup> 2018 at around 1AM, where her house was raided by force and everything was broken down. The family took all measures and presented records, till she appeared in front of supreme state security prosecution on November 21<sup>st</sup> 2018 under case no 1552 in 2018. That security raid included the arrest of many women and their enforced disappearance for the same period of time, and according to what we have been told by the lawyers, that group stayed in detention in state security office even after its appearance and attending prosecution interrogations, where their detention got renewed and they went back to the state security office in Abbassia.

The campaign working group documented 16 cases of enforcedly disappeared women during the past few months with periods of time varying from 2 weeks up to 3 months.



“The officer took off my abaya while I was blindfolded and threatened me if I would not confess he would let a group of soldiers in and take photos of me naked and give it to my father. All through the interrogation he had the sound of the electrecutor on and every now and then he would make it closer to me as if he was about to electrocute me. Close to the end of my disappearance, I had a subcutaneous hemorrhage and red spots started to appear from stress, then they took to me state security office in Shubra when they interrogated me and called me the most horrible names”

This was how Ayat-Allah Ashraf told her testimony about the torture she had been subjected to during her enforced disappearance in one of the state security offices. Aya was arrested from her home at dawn of October 4<sup>th</sup> 2018 and she remained disappeared till she appeared on January 27<sup>th</sup> 2019 in front of supreme state security under the case no 277, 2019, state security. It’s not mentioning that that case known to media as “Praise the revolution” included several women who have been all enforcedly disappeared.

“I was detained in the state security office in Abbassia where I was beaten up, electrocuted, deprived of using the bathroom till I got urinary retention that required surgical intervention inside the state security office to for catheterization because of my poor health condition, and I was forced to being videotaped while confessing things I had not done.”

A part of the testimony by Hadeer Mohie “fake name”

Hadeer was arrested from her home in October 2018 in Cairo, and she was enforcedly disappeared for more than 20 days without anyone knowing where she was till she appeared in 5<sup>th</sup> settlement state security office where she was charged by belonging to a group found and funded against the law. She kept being violated even after her appearance as she was returned after interrogating her to the state security office in Abbassia where she was confronted with what she had said in the interrogations and threatened to be beaten up if she had not changed her answers. This kept happening for several times of prosecution renewals till she was transferred to Qanater women prison at the end of January 2019.

The working group has documented a number of testimonies by victims, who asked to remain anonymous in fear of putting themselves or their families in danger, talking about being subjected to various forms of torture, where some were physically beaten up, others were verbally and sexually abused, and some were subjected to psychological abuse, threats, and terror.

Torture was defined by the Convention against Torture as; “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 person 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.”<sup>15</sup>

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<sup>15</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 1

And even though Egypt ratified the Convention, it did not adopt the definition contained in domestic law, and also, the acknowledgment of the articles of the Egyptian Constitution of the total prohibition of torture as a crime that does not fall under the statute of limitations<sup>16</sup>, and the emphasis on preserving human dignity and prohibiting cruel treatment<sup>17</sup>. All that did not constitute a deterrent to the perpetrators of the crime due to inaction and collusion of the official entities in dealing seriously with the allegations of the victims of torture, holding the perpetrators of torture accountable and bringing them to justice.

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<sup>16</sup> Article 52 of the Constitution of Egypt 2014

<sup>17</sup> Article 55 of the Constitution of Egypt 2014: All those who are apprehended, detained or have their freedom restricted shall be treated in a way that preserves their dignity. They may not be tortured, terrorized, or coerced. They may not be physically or mentally harmed, or arrested and confined in designated locations that are appropriate according to humanitarian and health standards.

## *Enforced Disappearance of Children:*

Egyptian authorities still commit the crime of enforced disappearance against children, in a clear violation of Child's law and International conventions, especially the Convention on the Rights of the Child.

Forces of the Egyptian army arrested 12 years old child Abdullah Bumedine Nasr Allah from his home in Arish, South Sinai on September 13<sup>th</sup> 2018<sup>18</sup>, and he remained enforcedly disappeared for a whole 6 months during which he was tortured<sup>19</sup>. During that period he was transferred from Arish-I police station to battalion 101 till he was presented to the state security prosecution for the first time on June 2<sup>nd</sup> 2018 with charges of belonging to a terrorist group and helping with cultivation of crackers. Abdullah was detained in Azbakia police station and remained in reserve detention under case no. 570, 2018, supreme state security, in violation of the articles of Child's law.<sup>20</sup>

Abbassia Juvenile Court issued a ruling on December 27<sup>th</sup> 2018 to release Abdullah and delivery of the child to his family, then he was transferred from Azbakia police station to Arish-II police station to finalize the procedures of his release and delivering him to his family. However, the police station kept stalling the process claiming waiting for the state security permit till they informed his family that he was not in the police station on January 18<sup>th</sup> 2019 to become one more time enforcedly disappeared. It's noteworthy that Abdullah's father has been also enforcedly disappeared since December 12<sup>th</sup> 2018 and that Abdullah informed his family that he had seen his father during his detention in battalion 101.

Egyptian security forces also committed the crime of enforced disappearance against child Alia Abdullah Madar who is not even 1 year old<sup>21</sup>, as she was arrested with her mother on March 24<sup>th</sup> 2018 and kept enforcedly disappeared till she appeared with her mother in supreme state security prosecution on April 1<sup>st</sup> 2018<sup>22</sup>.

The campaign group has also documented the case of enforced disappearance against 14 years old child Ibrahim Shahin where he was arrested with his mother by security forces and taken to Arish-II police station then state security. They remained in detention for 5 days then only the mother was released while the kid remained enforcedly disappeared since July 26<sup>th</sup> 2018 with no one knowing his location till now<sup>23</sup>.

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<sup>18</sup> Convention on the Rights of the Child, article 37 (B): No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time

<sup>19</sup> Convention on the Rights of the Child, article 37 (A): No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age

<sup>20</sup> Child Law, article 119: A child who has not reached fifteen (15) years of age shall not be placed in temporary custody. The Public Prosecution may place him in one of the observation centers, for a period not exceeding one (1) week, and shall make him available upon each request if the circumstances of the case necessitate keeping him in custody. However, the period for keeping the child in custody shall not exceed one (1) week unless the court decides to extend the period according to the regulations for temporary custody as stipulated in the Criminal Procedure Code. As an alternative to the procedure of the previous paragraph, an order may be issued to deliver the child to one of his parents, or to his guardian, and make him available upon each request. Any person violating this duty shall be penalized with a fine not exceeding one hundred (100) Egyptian pounds.

<sup>21</sup> <https://www.facebook.com/StopForcedDisappearance/photos/a.945361582172887/1913796085329427/?type=3&theater>

<sup>22</sup> <https://www.facebook.com/StopForcedDisappearance/photos/a.945361582172887/1920459354663100/?type=3&theater>

<sup>23</sup> <https://www.facebook.com/StopForcedDisappearance/app/208195102528120/>

### *Cairo International Airport:*

There has been a steady increase in the number of security arrests inside Cairo International Airport (CIA) during both entering and exiting Egypt, that the travel bans and arbitrary arrests on security state grounds has made CIA from one of the gates to and from Egypt to one of the locations of detention and enforced disappearance for durations that has reached in some cases that no one knew where they were for more than 6 months.

The stop enforced disappearance campaign has documented cases of enforced disappearance against some individuals who were subjected to torture and interrogation inside CIA.

On December 23<sup>rd</sup> 2018, after finishing all travel procedures and while Raya Abdullah Hassan and her husband Abdel Nabi Mahmoud were waiting for plane 191 to take off to Cyprus, they were surprised by the flight team calling them right before taking off and accompanying them out of the plane where they were arrested and enforcedly disappeared. Their daughter who was driving them to the airport also was arrested and communication with her was cut off since that moment. They remained all disappeared until Raya and her husband appeared in front of the supreme state security prosecution on January 10<sup>th</sup> 2019 under case number 844, 2018, state security, and their daughter was released after 20 days of enforced disappearance.

The campaign also has documented the case of enforced disappearance of a woman inside CIA whose family asked to remain anonymous. She was arrested by the security office inside the airport while she was finishing the procedures to enter Egypt coming from KSA, but she called some hours later with one of her family members saying she had been arrested in the security office in CIA and asking for someone to come take her daughter. She stayed in enforced disappearance for about a week till she appeared in front of the prosecution.

## *Disappearances from Detention Facilities*

“The police force, with its leaders and men, is the guardian of the security of the homeland and the citizen to ensure security and tranquility and achieve stability and prosperity. This is due to the fact that the Ministry of the Interior, in its capacity as guardianship of the police facility, has the duty to fulfill its constitutional and legal role and to perform it in the best way possible to serve the people by preserving their lives and protecting their property and its effects from any mischief or aggression, and to ensure the maintenance of security and order and public morals, all within the framework of the Ministry of the Interior and the various powers of the State of the law and respect the rules and provisions and work on the implementation of the duties imposed on them and responsibilities, otherwise become their actions and the decisions that are tainted by illegality, and the most important duties placed on The Ministry of the Interior and the first obligations undertaken by the obligation to preserve the life of the citizen and to prevent and control any crimes that may be committed against him and to carry out her duty to investigate and reveal the whereabouts of any citizen who was dead or alive in the event of a report on his disappearance, T in documents and documents for reference when necessary, otherwise disturbed security and order in the society and both chaos and disruptions reigned, and has become the Interior Ministry's commitment and duty to preserve the lives of citizens is only a record in brief and just words on paper without the slightest benefit”

The merits of the Administrative Court's decision to oblige the Ministry of the Interior to disclose the location of Ahmed Fawzi Abdel Qader Shouman on 24/11/2018

The Egyptian police apparatus is considered the main responsible for keeping general safety through a number of functions, on top of which are discovering crimes, preventing them from happening, helping citizens and keeping general order, which is what is stressed on in a number of international agreements<sup>24</sup>, Egyptian constitution<sup>25</sup> and local law<sup>26</sup>.

And since the authorities and mandate of the police overlap greatly with individuals of the society which makes it of great impact on people's lives, police's authorities become a double-edged sword, and transforms the police from the responsible for keeping safety of society to a perpetrator which violates human rights if abused.

On the grounds of waiting for the state security permit, the fate of many people remains hanging in police stations, and their detention goes on illegally till the procedures are finalized and they are released as an implementation of the decisions by the investigation

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<sup>24</sup> Code of Conduct for Law Enforcement Officials, article 2: In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

<sup>25</sup> Article 206 of the Constitution of the Arab Republic of Egypt: The police force is a statutory civil body that is in the service of the people. Its loyalty is to the people. It ensures safety and security to citizens, preserves public order and morality. It is committed to undertake the duties imposed on it by the Constitution and the law, and to respect human rights and basic rights. The state guarantees that members of the police force perform their duties. Guarantees for that are organized by law.

<sup>26</sup> Law regulating the law of the police force No. 109 of 1971, article 3: The Police Commission is responsible for maintaining order, public security and morality, and protecting lives and symptoms, and in particular the prevention and control of crimes, as well as ensuring the safety and security of citizens in all fields and the implementation of the duties imposed by laws and regulations

entities, however, this detention becomes nothing more than a transition stage to prepare for enforcedly disappearing those people again from inside the locations of detention. Several lawyers who have been interviewed by the campaign stated the development of a number of cases known to the media as “the fridge” or “recycling cases”, were most of the accused in such cases got release decisions or innocence rulings and yet they were enforcedly disappeared before finalizing the procedures of release.

The campaign documented a number of cases of frequent enforced disappearance for a number of detainees who had already been issued release decisions. It’s worth mentioning that a number of those people was not only enforcedly disappeared once but rather each time they got a release decision from the investigation entities, and enforced disappearance from inside police stations has become a continuous pattern.

The following are a number of repeated enforced disappearances within police stations;

***Islam Al-Said Mahfouz Khalil:***

It seems that the rivalry of the police with Islam Khalil does not end. After he became one of the most famous cases of enforced disappearance whose testimony on the torture he had been subjected to during his 122 days period of disappearance inside one of the state security offices in 2015, was documented, until he got a release decision on May 24<sup>th</sup> 2015. That was not the last time for Islam Khalil to be enforcedly disappeared, as in March 10<sup>th</sup> 2018 security forces arrested one more time and he was enforcedly disappeared for 20 days before appearing in front of supreme state security prosecution on April 1<sup>st</sup> 2018 with charges under case no. 482, supreme state security, and he remained in reserve detention till the court decided his release with precautionary measures on February 19<sup>th</sup> 2019 so he was transferred to Santa police station to finalize his release procedures, but the police station stalled in executing the court’s decision claiming waiting for the state security permit, and he remained inside Santa police station till February 25<sup>th</sup> 2019 when the police station informed his family that he did not exist inside the police station making him enforcedly disappeared for the third time. His location was not known until he was released on March 26<sup>th</sup> 2019, which indicated that security entities practiced a vindictive move against Islam Khalil considering him a human rights defender.

The International Convention for the Protection of All Persons from Enforced Disappearance has stressed on the necessity of protecting all people involved in investigating cases of enforced disappearance from any mistreatment or terror<sup>27</sup>

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<sup>27</sup> International Convention for the Protection of All Persons from Enforced Disappearance, article 13 (3): Each State Party shall ensure that the complainant, witnesses, relatives of the disappeared person and their defense counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.

### ***Ezzat Eid Ghoneim:***

Human rights lawyer and executive manager of Egyptian coordination of rights and freedoms, Ezzat Ghoneim, was arrested on March 1<sup>st</sup> 2018 next to his house in Haram, Giza, and he was taken to the state security office in Sheikh Zayed then he appeared on March 3<sup>rd</sup> 2018 in front of 5<sup>th</sup> settlement supreme state security prosecution with charges of spreading false news and joining a group found against the provisions of the law under case no. 441, 2018, and he was kept in reserve detention till September 4<sup>th</sup> 2018 when the court substituting the reserve detention to precautionary measures, after which he was transferred to Giza mobilization then to Haram police station on September 8<sup>th</sup> 2018. The police station remained stalling in executing the release decision claiming waiting for the state security permit, and on September 14<sup>th</sup> 2018 his family was informed he had not been in the state, so he was enforcedly disappeared for the second time till he appeared on February 9<sup>th</sup> 2019 in front of one of Cairo Criminal Courts in Police Secretary Institution in Torra.

### ***Mohammad Mahmoud Abdel Halim Shehata:***

Engineering student in Azhar University, Mohammad Shehata, was arrested from one of the streets close to the University's dorm in Nasr City in February 2017, he was enforcedly disappeared for a month till he appeared in front of 5<sup>th</sup> settlement supreme state security prosecution under case no. 316, 2017, state security, when the prosecution decided to release him on April 12<sup>th</sup> 2018. He was then transferred from Torra prison to Abu-Kebir police station in Sharqia where he remained inside the police station till May 1<sup>st</sup> 2018. While getting out, he was against kidnapped by the state security investigation and enforcedly disappeared till he appeared on June 9<sup>th</sup> 2018 in one of the trials of the same case, when the court decided to release him again in the same trial, so he was transferred to Abu-Kebir to finalize the release procedures but the family was surprised on June 14<sup>th</sup> 2018 that the police station denied his presence inside so he was enforcedly disappeared for the third time till he appeared on July 11<sup>th</sup> 2018 under case no. 1094, 2018, state security emergency misdemeanors for which he remained in custody in Abu-Kebir police station till he got an innocence ruling on January 30<sup>th</sup> 2019. He was then transferred from his detention location in Zagazig general prison to Abu-Kebir police station to finalize the release procedures while stalling in executing the release decision claiming waiting for the state security permit till February 23<sup>rd</sup> 2019 when his family was then again informed he did not exist in the police station to be enforcedly disappeared for the fourth time.

### ***Khalid Yusri Zaki:***

Khalid Zaki was arrested on January 9<sup>th</sup> 2015 under case no. 488, 2015, Nozha Misdemeanors and was released on August 11<sup>th</sup> 2015, but he was not let go and was enforcedly disappeared till he appeared on September 18<sup>th</sup> 2016 under case no. 8760,

2016, Marg Administrative for which he was released on September 29<sup>th</sup> 2016 but then he again enforcedly disappeared till he appeared under case no. 8586, 2016, Bassateen Misdemeanors on October 6<sup>th</sup> 2016, and the court ruled his innocence but he was enforcedly disappeared one more time to appear March 4<sup>th</sup> 2017 under case no. 635, 2017, Kattamia Misdemeanors for which he remained in custody till his release decision on June 5<sup>th</sup> 2017 after which he disappeared to appear in front of Dar Al-Salam prosecution under case no. 10430, 2017, Dar Al-Salam Misdemeanors and in the trial of October 17<sup>th</sup> 2017 another release decision was issued for him, but he was enforcedly disappeared till he appeared in front of Dar Al-Salam prosecution under case no.822, 2018 which was handled to the court that ruled his innocence on February 5<sup>th</sup> 2019 so he was transferred back to Marg police station that denied his presence there and so he is until now enforcedly disappeared.

### ***Hanthala Ahmad Al-Mahi:***

He was arrested on October 23<sup>rd</sup> 2014 from one of the public spaces in Damietta and enforcedly disappeared till he appeared in a video on the Facebook page of the Ministry of Interior on November 2<sup>nd</sup> 2014 where he was detained under case no. 217, 2015, Damietta Misdemeanors where he was detained till a release decision was issued on January 24<sup>th</sup> 2018. He was transferred from Gamassa high-security prison to Kafr Al-Bateekh police station to finalize his release procedures but the police station informed his family on February 3<sup>rd</sup> 2018 e did not exist there so he enforcedly disappeared again till he appeared on October 27<sup>th</sup> 2018 as an accused under case no. 2409, 2018, Kafr Al-Bateekh Administrative for which he remained in custody till the prosecution decided his release on February 13<sup>th</sup> 2019 but the police station denied his presence on February 23<sup>rd</sup> 2019 and he is enforcedly disappeared till now.

### ***Anas Al-Said Ibrahim Moussa:***

He was arrested on June 1<sup>st</sup> 2014 and was enforcedly disappeared for a week till he appeared on June 8<sup>th</sup> under case no. 1570, 2014, and he was sentenced to 5 years in prison on which he appealed and the court accepted his appeal. But the trial was repeated and he ruled innocent on December 26<sup>th</sup> 2018 then he was transferred from Zagazig general prison to Zagazig-II police station to finalize the release procedures and he was presented to prosecution on December 30<sup>th</sup> 2018 to ensure there were no other criminal sentences against him. Anas's detention inside Zagazig-II police station remained claiming waiting for the state security permit till January 14<sup>th</sup> 2019 when the police station denied his presence there and he was then again enforcedly disappeared since that date, while his family is afraid for life as he suffers from a facial injury that requires immediate surgical intervention.

## ***Conclusion and Recommendations:***

According to what the report has reached from documenting and proving the cases and claims of enforced disappearance against Egyptian citizens, and since enforced disappearance leads to massive violations for the right of people to be provided proper legal protection, and not to be tortured or subjected to any form of degrading or inhumane treatment, and since the right not to be enforcedly disappeared is a non-negotiable right just as the right of life, the report presents the following recommendations for;

### ***The Egyptian Government and Egyptian President:***

- Declaring their rejection to the crime of enforced disappearance and the practice of other forms of cruel, degrading or inhumane treatment, and ensuring holding those responsible for it responsible.
- Looking into the measures taken by the families of the enforcedly disappeared being complaints or records proving the disappearance of their loved ones by the security entities, deciding on them, and respond to the families with official letters including the results of their research and scrutiny concerning the enforced disappearance of their loved ones.
- Issuing a law that prohibits detaining civilians in military prisons or facilities.
- Holding those responsible for the practice of enforced disappearance, from national security leaders, to military intelligence leaders, and those responsible for detaining citizens in illegal or secret locations.
- Criminalizing enforced disappearance in the Egyptian Penal Code as a crime that does not fall under the statute of limitations.
- Accessing to the International Convention for the Protection of All Persons from Enforced Disappearance
- Accessing to the Optional Protocol against Torture 2002.
- Accessing to Rome Statute of the International Criminal Court 1998

### ***Ministry of Interior:***

- And on the top of list the national security sector to stop the practice of enforced disappearance against Egyptian citizens and detaining them in unofficial detention facilities.
- Respecting the court's decision to cease the practice of enforced disappearance against released individuals or those who should be released by court decisions or rulings.
- Considering the necessity of cooperating with the families of the enforcedly disappeared during the journey of finding their loved ones and immediately stop abstaining from helping them and taking the possible and needed measures.
- Disclosing and directly guiding regarding the location of those whose families reported to be enforcedly disappeared.

*The General Prosecution:*

- Respecting the necessity of activating its role in monitoring prisons, police stations, state security offices, central security camps, and military prisons.
- Investigating the testimonies of the accused who appear in front of the general prosecution under cases who claim being enforcedly disappeared or tortured.
- Investigating the incidents of enforced disappearance against those who have got release decisions or who should be released according to court decisions or rulings.