

REPRESSION MAPPED

PATTERNS OF HUMAN RIGHTS VIOLATIONS
AGAINST ACTIVISTS IN EGYPT.



Repression Mapped

Patterns of human rights violations against activists in Egypt.

A report by



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SUMMARY

Human rights violations against activists in Egypt are no isolated cases. Since the military coup of 2013, Sisi's government and its apparatuses have systematically targeted the public sphere, stifling the space for a democratic, inclusive political debate.

Campaigns of arrests and the criminalization of activists, lawyers, journalists and researchers are widely praised in pro-regime media under the flag of "national security operations".

In this report, EgyptWide analyzes data on human rights abuses against members of Egyptian civil society in relation to the existing security policy and the narrative upheld by state media agencies to highlight the existence of precise patterns of repression.

Thousands of activists have been subject to unfair trials and arbitrary detention in inhumane conditions because of the existing laws on terrorism which target their nonviolent activities, including journalism and reporting, nonviolent demonstrations, and even working as an attorney.

Secret investigations and fabricated evidence lead to flawed court sentences, and prosecutions recur to complex mechanisms to recycle the same charges over defendants in order to have them detained for years even when they are found not-guilty.

Within the prison complex, activists face degrading and inhumane treatments aimed at depriving them of their dignity and isolate them from the world. Outside the prison complex and the criminal justice circuits, repression takes the form of laws restricting the exercise of civil liberties and shrinking the public space.

Civilians are mobilized into the repression and pushed to lynch regime's opponents or spy on them. Civil society spaces and organizations are shut down or banned, while state media agencies depict human rights advocates as a danger to social order and national security.

This report maps the stages, patterns and key actors of repression in order to expose the strategy which underpins the processes suffocating Egyptian civil society.

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INTRODUCTION

In today's Egypt, being a human rights activist is a prison sentence. "The Egyptian government is attempting to annihilate human rights organizations and eradicate the human rights movement in the country," as leading human rights organizations from around the world denounced¹. Egyptian authorities launch systematic attacks against the local human rights community in order to silence dissent and shut down the public space.

Since Abdel Fattah al-Sisi's takeover, a meticulous and extremely well-organized mechanism of repression has developed, which can be analyzed through its specific phases and procedures. Mandatory steps consist of terrorism-related charges and allegations of publishing false news or misusing social media to spread false information undermining public security. Other frequently observed practices are arbitrary arrests, followed by prolonged pre-trial custody, and alternated to enforced disappearances. Following the release from prison, increasingly common practices are travel-bans and revocation of citizenship. All these processes fit within a broader pattern of intimidation against human rights organizations through counter-terrorism and national security policy.

With the arrest of hundreds of human rights activists, coupled with the freezing of human rights organizations' assets, the system put in place by Egyptian authorities under President al-Sisi is managing to shrink the space for free expression, assembly and association².

EgyptWide recently launched an initiative to raise awareness on the situation of civil society in Egypt through an online campaign: #60milaPatrick³. Through the stories of 15 Egyptian dissidents incarcerated and subject to human rights violations due to their activism, the campaign highlighted the structural nature of the Egyptian repression, beyond the individual cases known to the Italian public: Giulio Regeni and Patrick Zaky. Yet, the #60milaPatrick campaign remained circumscribed to those 15 stories, whereas the number of people currently detained in Egyptian prisons for political reasons is estimated to be over 60000 individuals.

With this report, EgyptWide intends to further investigate and inform on the mechanisms of repression employed by the Egyptian regime to suppress dissent. Through the study of the human rights violations perpetrated against activists, beginning with their unlawful arrest and persisting after their release, the report analyses the details of the Egyptian repression machine.

¹ In a [letter](#) to Foreign Ministers soon gathering for the 46th regular session of the United Nations Human Rights Council on February 22, 2021.

² States break silence to condemn Egypt's abuses at UN rights body <https://bit.ly/3fcDm45>

³ EgyptWide lancia la sua prima campagna per sensibilizzare sulle condizioni delle prigioniere e dei prigionieri politici in Egitto. <https://bit.ly/2OwB06J>

10 YEARS AFTER THE EGYPTIAN REVOLUTION

On January 25, 2011, millions of Egyptians filled Tahrir Square to rebel against Hosni Mubarak's 30-year regime. That popular explosion was the manifestation of a revolutionary sentiment that had been intensifying in Egyptian society for years - fuelled by exasperation over endemic corruption, systematic repression and perpetual violations of basic rights. The Egyptian youth occupied Tahrir Square, demanding "bread, freedom and social justice" ('aīsh, huriyyah,' adāla iḡtimā'iyya) and dreaming of a free and democratic country.

Police forces were deployed in central Cairo in order to quell the protests, a curfew was imposed, Internet connection was suspended and social networks, which represented a fundamental coordination space, were blocked. President Mubarak ordered the military to intervene, but did not succeed in intimidating the demonstrators. On February 1, 2011, two million people gathered in the streets of the Egyptian capital in what is remembered as the March of the Millions.

During the protest days the people witnessed an urban guerrilla, in which 840 people lost their lives and another 6000 were injured. Mubarak, however, fell. On February 11, the president announced his resignation and fled to his residence in Sharm el-Sheikh. The square was in a state of excitement and the enthusiasm of millions of Egyptians was irrepressible.

Yet, the political transition which followed Mubarak's downfall failed. The 2012 presidential elections led, in the runoff phase, to the victory of the Freedom and Justice Candidate - the Muslim Brotherhood party- Mohamed Morsi. Nonetheless, the administration of the first Islamist president of a republican Egypt did not last long.

Overall, the international community welcomed Morsi's victory. Western countries, above all the United States, recognized progress in the democratic transition process which led to his election. Some Arab and Middle Eastern countries supported the success of the Muslim Brotherhood in Egypt as well. Within the country, however, reactions were different. Many, especially those belonging to the Islamist groups, endorsed the new Egyptian president. Others, on the other hand, feared that the rise to power of an Islamic party could shift towards fundamentalism, eventually transforming the country into a theocratic regime.

The complicated and restless presidency of Mohamed Morsi collapsed in June 2013. To exacerbate popular sentiment, Morsi had proposed ambiguous constitutional reforms, which would have granted the president broad powers, thus fuelling the discontent of large sectors of society who judged Morsi a traitor to the revolution. Hence, one year after his election,

thousands of Egyptians returned to occupy Tahrir Square, protesting against president Morsi and calling for his resignation crying "Irhal!" ("Get out").

This bottom-up opposition seemed to justify, and to some extent support, the military coup that took place on July 3, 2013, at the hands of the then Defence Minister Abdel Fattah al-Sisi. Since then, the dream of that same Egyptian youth who demonstrated day and night in Tahrir Square in 2011 has been progressively shattered.

Ten years after the revolution, Egypt is ruled by an authoritarian regime, which has increasingly concentrated power in the hands of the military class. Large-scale human rights violations are perpetrated with impunity and appear to be part of Sisi's political agenda. Their severity has intensified to the point of prompting 31 countries to undersign a joint report of the state of civil society in Egypt to the United Nations Human Rights Council in early 2021.

More specifically, this report's scope is on the mechanisms leading to the criminalization and silencing of civil society, among which stand out alarming patterns in arbitrary arrests and detention, enforced disappearances, torture and ill-treatments in custody, and unfair trials. Over 60,000 political prisoners are estimated to be arbitrarily detained in inhumane conditions within the Egyptian prisons.

This report is dedicated to these men and women, in the hope of shedding light on a state-sponsored system of abuse and injustice which the country where we live in and write from-Italy- insists in relating to as an ally.

MECHANISMS AND PATTERNS IN REPRESSION

Silencing dissent: structural repression of civil society in post-coup Egypt war-on-terror:

Ever since orchestrating the coup which overthrew Morsi's government in 2013, general al Sisi adopted a communicative strategy which equates stability and security with the military rule, while social unrest, dissent and pluralism in any form (including that of non-violent demonstrating and independent media coverage) constitute a threat to security and social order.

In the discourse on security upheld by the government, the military, and state-sponsored media agencies, human rights activism and any activities bringing people to engage with politics and social issues pose a threat to national stability, paving the way for outbreaks of political violence which would collapse the country into chaos and disruption.

On the other hand, any attempt from civil society actors to denounce the repression appears to be subjected to the same mechanisms of censorship and criminalisation it is aiming to oppose. Independent journalists and researchers are arrested and charged with "publication of false news" if their version of facts of public relevance contradicts official records.

Portraying human rights defenders as looters, agitators and terrorists:

Over the span of al Sisi's presidency, an undeclared state-of-emergency established and repression intensified as a pervasive element of the functioning of State apparatuses and civil life alike. Several human rights organisations domestically and internationally have denounced the systematic use of counter-terror policy and its related security mechanisms to silence human rights defenders and suffocate civil society.

Sisi's counter-terrorism policy targets Islamists, civilians living in the Sinai region, affiliates of militias and criminal organisations, peaceful activists, journalists, researchers, and human rights defenders alike. Individuals charged with "affiliation to a terrorist group" are tried in military courts and subjected to the strictest surveillance measures regardless of whether they are violent dissidents or peaceful human rights defenders.

Their cases are handled through martial courts and specific judicial circuits known as Special Terrorism Circuits according to the military rule- meaning that family members or the press, and sometimes even defendants themselves, are not allowed to be present in court hearings and investigation sessions.

On these premises it is to date not possible to produce accurate figures of the number of individuals currently detained in Egyptian prisons on political charges, nor to indicate precisely the number of those who were arrested, forcibly disappeared, or even tried in military courts and within the Special Terrorism Circuits over the past ten years. No official governmental record exists in this regard. A report by the Rosa Luxemburg Foundation, however, denounces that during the 5 years between 2013 and 2018, 7513 civilians were tried in military courts, and over 1290 individuals were subject to enforced disappearance⁴.

Police and court reports are seldom shared with defendants' attorneys and families, let alone with the general public. At the time of writing, the number of individuals detained on political charges related to crimes of opinion in Egypt is estimated to be over 60,000⁵. A sizable gap occurs between figures, which is inevitable given the difficulties and the risks faced by researchers operating domestically in Egypt, and the fact that no official comprehensive data has ever been made public.

Estimates on the number of political prisoners (including those imprisoned in pre-trial detention, the forcibly disappeared, and those under probation measures following release) are usually assessed reconstructing legal cases, based on court reports- which is no straightforward process, as the number of individuals charged in the same case is highly variable, and prosecutions typically appear unwilling to disclose any information in this regard.

Between 2013 and 2014, as Abdel-Fattah el-Sisi seized power from Mohammed Morsi's government, the number of individuals arrested for crimes of opinion spiked to 22,000 (according to records provided by the Ministry of Interiors), although independent media sources indicate such figure to be around or over 41,000 (according to blog Wikithawra, and later reported by the Egyptian Center for Economic and Social Rights)⁶.

Data collected by the Arab Network for Human Rights (ANHRI) indicates that the number of arrests related to crimes of opinion between 2015 and 2016 corresponds to 26,000 individuals or more.

In 2016, the Committee for Justice reported an estimated number of approximately 10,000 individuals tried in military courts in the period between June 30th, 2013, and December 2016 under Presidential order no. 136/2014. Under the same decree, many cases were also transferred from civil to military courts- with the effect of further infringing upon defendants'

⁴ Rosa Luxemburg Stiftung, 2018. *Egypt Under Sisi*, <https://bit.ly/3fg1P8y>

⁵ Human Rights Watch, 2019. *Egypt: little truth in Al-Sisi's "60 minutes" responses. Government should reveal numbers of prisoners*, retrieved from: <https://bit.ly/3bb43VD>

⁶ Human Rights Watch, 2015. *Egypt's political prisoners*, retrieved from: <https://bit.ly/3h3laeK>

right to a fair, public trial, and predictably being sentenced to disproportionately strict penalties. In 2013, activist Alaa Abdel-Fattah⁷ was sentenced to 5 years in jail and 5 years under probation over his blogging activity. His sister, film-maker and activist Sanaa Seif⁸, was sentenced to 1 and a half years in jail in 2020 over accusations of “misusing social media, causing rioting, and insulting a police officer on duty”.

In the majority of cases of a political nature, prosecutions largely relied on “secret reports” produced by security state forces which in turn appear to heavily depend on “secret sources”⁹.

War-on-dissent: the anti-terrorism legislation and civil society:

The large-scale crackdown on civil society and non-violent dissent in Egypt proceeds in parallel with the evolution of a counter-terrorism strategy whose mechanisms, procedures and circuits appear profoundly unaccountable. The severe power imbalance between the executive and the judiciary produces a predictable and problematic tendency to blur the lines between each other’s jurisdiction, with the consequence that the judiciary’s agency depends to a large extent on the government’s political agenda.

Within such a framework, it is not difficult to identify a precise political strategy in the criminalization of non-violent opponents and human rights defenders. Such strategy consists in using counter-terrorism policy and procedures against them. It is a pattern whose axes can be individuated in the abuse of the existing legislation and criminal justice system (as in the use of Special Terrorism Circuits), and the existence of informal mechanisms and practices which de facto restrict political prisoners’ rights (as in arbitrary pre-trial detention and probation measures, “rotation” of charges, and detention pending multiple cases).

In 2015 alone, the Ministry of Interiors declared around 11,877 terrorism-related arrests during the period from January to September¹⁰. Based on court records analysed by London-based INGO Saferworld, approximately 2,782 individuals were listed as “terrorist groups affiliated” in the period between February 2015 to July 2017¹¹.

⁷ EgyptWide, 2021. #60milaPatrick: Alaa Abdel-Fattah, the activist who is spending a lifetime in prison, retrieved from: <https://bit.ly/3lg14yU>

⁸ EgyptWide, 2021. #60milaPatrick: Sanaa Seif, film-maker and activist arrested for defending the rights of detainees, retrieved from: <https://bit.ly/3mah1Hq>

⁹ Saferworld, 2017. We need to talk about Egypt: how brutal “counter-terrorism” is failing Egypt and its allies, retrieved from: <https://bit.ly/2PXHkVD>

¹⁰ Mada Masr, October 30th 2015. Almost 12,000 people arrested for terrorism in 2015: Interior Ministry, retrieved from: <https://bit.ly/3nTWIPi>

¹¹ Saferworld, 2017. IBID

A massive crackdown was launched against Egyptian civil society in 2019, with several famous and even less prominent human rights defenders arrested and charged with “affiliation to a terrorist group”. It happened to activists Haythaam Mohamedeen¹² and Ramy Shaath¹³ in May and July, and to lawyers Mahienour El-Masri and Muhammad Al-Baqer¹⁴ on September 22nd and 29th, and to journalist and activist Esraa Abdel-Fattah¹⁵ on October 12th. Researcher Ibrahim Ezz el- Din was arrested on June 11th and forcibly disappeared until November 2019. Journalist Solafa Magdy¹⁶ was also arrested on November 26th.

The following year also witnessed preoccupying waves of arrests. In May 2020, Shaimaa Sami¹⁷ - a journalist and researcher at the ANHRI, was arrested from her home and forcibly disappeared for 10 days before being formally arrested over her human rights-related activities. Activist Sanaa Seif was forcibly arrested on similar charges in June, and she too was forcibly disappeared before the formal arrest. In October, 6 April Movement activist Walid Shawky¹⁸ was charged in a new case after having been arbitrarily detained for months (a release order had been filed for him in August, but it was never implemented). He is now on pre-trial detention after being accused of belonging to a terrorist group.

In early 2021 the same charges were filed against researcher Ahmed Samir Santawy¹⁹, arrested and forcibly disappeared in February.

Most of them are remanded in custody pending investigation at the time of writing.

Egyptian human rights defenders are imprisoned and tried in court as terrorists because the existing legislation on terrorism- and the security policy linked to it- pave the way for such repressive use of the criminal justice system. The reason why it is possible for the Egyptian judiciary to detain thousands of non-violent political prisoners under terrorism-related charges is to be found in the repressive strategy profoundly embedded in counter-terrorism policy and practice in Egypt. The Special Terrorism Circuits are unaccountable, and systematically fail at

¹² EgyptWide, 2021. #60milaPatrick: Haitham Mohamedeen, a lawyer imprisoned for defending workers’ rights, retrieved from: <https://bit.ly/3ewWUjh>

¹³ EgyptWide, 2021. #60milaPatrick: Ramy Shaath, a Palestinian-Egyptian human rights defenders imprisoned because of his role in the BDS Movement, retrieved from: <https://bit.ly/2QzC22z>

¹⁴ EgyptWide, 2021. #60milaPatrick: Muhammad Al-Baqer, a human rights lawyer arrested at the Public Prosecution Office while defending an activist, retrieved from: <https://bit.ly/3lLCUgc>

¹⁵ EgyptWide, 2021. #60milaPatrick: Esraa Abdel-Fattah, shortlisted for the Nobel Prize in 2011 and arrested in 2019 because of her activism, retrieved from: <https://bit.ly/2OOb6eO>

¹⁶ EgyptWide, 2021. #60milaPatrick: Solafa Magdy, a journalist arbitrarily detained with her husband and denied medical treatment, retrieved from: <https://bit.ly/3wORWa4>

¹⁷ EgyptWide, 2021. #60milaPatrick: Shaimaa Samy, a journalist arbitrarily detained for exposing the violence against political prisoners, retrieved from: <https://bit.ly/3ekIDWV>

¹⁸ EgyptWide, 2021. #60milaPatrick: Walid Shawky, a dentist arbitrarily detained for his human rights activism, retrieved from: <https://bit.ly/3e4LNOj>

¹⁹ EgyptWide, 2021. #60milaPatrick: Ahmed Samir Santawy, arrested after his return to Egypt for being a researcher, retrieved from: <https://bit.ly/3fJfZAT>

ensuring defendants' right to a fair trial because they were so conceived; and the ambiguity in Egyptian Anti-Terrorism legislation appears to suit very well the regime's authoritarian agenda.

The Egyptian Anti-Terrorism Law, No. 194 of 2015²⁰, provides a definition of what constitutes a "terrorist act" as

“Any use of force, violence, threat, or intimidation domestically or abroad for the purpose of disturbing public order, or endangering the safety, interests, or security of the community; [...] harms national unity, social peace, or national security or damages the environment, natural resources, antiquities, money, buildings, or public or private properties or occupies or seizes them; prevents or impedes public authorities [...] from carrying out their work[...].”

[Art 2, first paragraph]

Such broad and ambiguous definition follows the just-as-tautological ones concerning "terrorist group":

“Any group [...] that aims to commit one or more terrorist crimes or for which Terrorism is one of the means used to achieve or implement its criminal purposes.”

[Art 1, paragraphs 1]

A "terrorist" is defined as:

“Any natural person who commits, attempts to commit, incites, threatens, or plans a terrorist crime domestically or abroad”

[Art 1, paragraphs 2]

When no attempt is made by the lawmaker to frame the nature and features of the behavior to criminalize, and the definition of the crime in question appears intentionally vague and exposed to political exploitation, the ambiguity tends to produce a grey area of discretion around the agency of those in charge of enforcing the law.

Further on, "in case of any danger due to a terrorist crime and out of necessity to stand up to

²⁰ Egyptian Official Gazette, no. 33, August 15th 2015. retrieved from: <https://bit.ly/3h8HO6p>

this danger” article no. 40 of Law 94/2015 enables security forces to perform arrest of suspects without a warrant by the competent judicial authority (openly contravening the regulations contained in the article 54 of Egyptian Constitution²¹) and grants the judicial arrest official the authority to order police search and collection of relevant evidence.

Once arrested, their cases are handled within the “Terrorism Circuit Courts”, a mechanism created in 2013 which has been defined as “Part of a broader pattern of the use of terrorism and national security legislation [...] as tool[s] to punish and silence legitimate criticism or expression in Egypt” By the UN Special Rapporteurs on human rights²².

Several prominent human rights advocates have been tried within the Terrorism Circuits Courts over the years, including Mahienour El-Masri, Ismail Al-Iskandrani²³, Ramy Shaath, Bahey El-Din Hassan and a few EIPR board members.

The Egyptian Front for Human Rights has monitored the work of the circuits over the first 6 months of 2020, and their response to the covid-19 pandemic, individuating a serious deterioration of the living conditions within detention facilities and further violations of the right to a fair trial justified under the necessity to implement measures of social distancing to prevent the spread of the virus.

Proceedings to determine renewal of pre-trial detention were suspended for 45 days between March 17th and May 3rd. After that date, until the month of July, court sessions deciding on renewals took place without the defendants’ presence in court, openly violating the Criminal Procedure Law- officially, in order to limit social contacts.

Between January and June 2020, pre-trial detention was renewed for at least 8,311 detainees within the Circuits (2941 during the first trimester, 5370 during the second trimester).

²¹ Constitute Project, *Constitution of the Arab Republic of Egypt, 2014*. retrieved from: <https://bit.ly/3h9EqZk>

²² United Nations Committee on Human Rights, Geneva, 08/10/2020. *Egypt Uses Terrorism Trials to Target Human Rights Activists, Say UN Experts*, retrieved from: <https://bit.ly/2RynHnw>

²³ EgyptWide, 2021. *#60milaPatrick: Ismail Al-Iskandrani, a researcher sentenced to 10 years for denouncing the crimes against civilians in Sinai*, retrieved from: <https://bit.ly/3vzPd2M>

Unfair trials: arbitrary arrests, secret sources, flawed investigations:

The international agreements for the protection of civil and political rights, and the rights of persons deprived of liberty ratified by Egypt are:

- UN Covenant on Civil and Political Rights (1966), signed in 1967 and ratified in 1982;
- UN Covenant Against Torture and Other Cruel, Inhuman and Degrading Treatment of Punishment, ratified in 1986;
- UN Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment²⁴, adopted with General Assembly Resolution no. 43/173 on December 9th, 1988;
- African Charter on Human and People's Rights²⁵, signed by Egypt in 1982.

With one exception dating back to 1986, Egypt has systematically refused interstate communication procedures and inquiry procedures promoted within the UN Committee for Human Rights Promotion and Protection framework²⁶.

Arrests of journalists, human rights defenders, lawyers, and nonviolent activists are frequently flawed by abuses of authority. Pre-trial detention pending investigations- a measure intended to apply only when strictly necessary to protect the general public and guarantee justice- frequently prolongs into months and even years-long imprisonment, therefore turning into a stable pattern of arbitrary detention of political prisoners, many of whom spend years in custody. Political activist Haythaam Mohamedeen had been held on pre-trial detention for 10 months between June 2020 and March 2021, when finally a release order was sentenced. Such order, however, was never implemented.

Journalist Solafa Magdy was detained in custody from her first arrest in November 2019 until a release order in April 2021, an almost 17-months-long period during which she was denied medical treatment and family visits. Journalist Ismail Al-Iskandrani was held in custody pending investigation for 30 months before being declared guilty in relation to case no. 18/2018.

For what concerns investigation and court proceedings, the frequent presence of legal flaws and the lack of transparency observed in cases of a political nature is strikingly high.

²⁴ United Nations Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, December 9th 1988. Retrieved from: <https://bit.ly/2R3UIYX>

²⁵ African Commission on Human and People's Rights, 1982. *African (Banjul) Charter on Human and People's Rights*, retrieved from: <https://bit.ly/2SPoLEp>

²⁶ United Nations Committee for Human Rights Promotion and Protection Treaty Body Database, retrieved from: <https://bit.ly/3vMY2q3>

Judicial authorities prosecuting defendants for crimes of opinion rely heavily on "secret sources" and "professional opinion" provided by State security forces when no concrete evidence can be produced. Such "evidence", however, proves nothing but the authorities' willingness to silence critical voices, and trials grounded on them are unfair and ultimately produce unjust sentences, thereby completing the process of criminalization of human rights defenders.

The systematic refuse or failure to disclose the sources which investigations are based upon contravenes what ruled by the Egyptian Court of Cassation in relation to the insufficiency of police investigation reports as sole evidence against defendants²⁷. Furthermore, in several cases security forces refuse or fail to disclose the content of police investigations reports as well, as happened in Sanaa Seif's case, the no.12499/2020. She was eventually found guilty and sentenced to 16 months in jail.

In some cases involving enforced disappearances or torture on inmates, the reports have been falsified to deny the abuses perpetrated against the defendant.

Judicial authorities rely on police investigation reports not only for the prosecution of defendants', but also to deliberate on pre-trial custody. This is to say, in several cases regarding crimes of opinion the renewal of detention pending investigations is determined on the basis of entirely arbitrary presumptions formulated in police investigations files. Human rights lawyer Muhammad al-Baqer was charged in multiple cases and had his pre-trial custody renewed for over 19 months (between September 2019 and April 2021) even though the National Security Agency- the apparatus in charge of inquiring into his case- never presented any evidence to prove the validity of the accusations against him.

Beside this lack of transparency, trials on human rights defenders and non-violent opponents fail both domestic and international standards on fairness in trials under another significant profile: the right of defendants' to defense and litigation, including being disclosed the nature of evidence against them, and being tried within reasonable time.

In several cases over the last years, as criminal justice and even military courts became increasingly congested processing cases of political nature, a praxis began to emerge of holding trials under the Ministry of Interiors (instead of the Ministry of Justice) and within police facilities.

The ANHRI, which examined over 190 cases of political nature over the period between May 2017 and May 2018, reported that only 74 of such cases, corresponding to the 26%, were held under the Ministry of Justice (with 42 cases processed within the Ministry facilities and the remaining 32 by military courts), while the large majority of those cases (118, corresponding to

²⁷ Egyptian Court of Cassation, 1990. *Appeal No.24530 of the judicial year 59, at the hearing of 22 March 1990.*

the 74%) were held inside Ministry of Interiors facilities, including police departments²⁸. The shifting of trials from courts to police stations has increased stably since 2013, and has been justified by Egyptian authorities with the precedent of Shura Council and Abdeen Incidents in 2013, when hearings were transferred to the Police Cadets Institute of Tora over security concerns, allegedly after a group of citizens tried to attack the court facilities. With time, what was first presented as extraordinary measures aimed at facing exceptional circumstances turned into a widespread, routine practice, and a severe violation of the right to a fair trial.

In the first place, holding court hearings inside police departments violates the principle of public hearing in trials (as decreed in article 187 of the Egyptian Constitution of 2014, and in article 268 of the Code of Criminal Procedure). Attendance to the trial sessions for family members, journalists, and the general public is severely restricted under such facilities' security policy. Secondly, defendants are frequently placed to attend court hearings inside sound-proof glass and iron cages- a measure which, besides preventing them from hearing anything being said in the courtroom, is also profoundly degrading and humiliating. It is worth remembering that inhumane, degrading treatments and the failure to try defendants fairly violate international covenants and standards on human rights in criminal justice and imprisonment as well as domestic legislation²⁹.

According to the same report by ANHRI, the Ministry of Interior's facilities where trials of a political nature have more frequently been held over the last years (and mostly in relation to the 2017-2018 period) are Giza Central Prison, the Police Cadets Institute of Tora, the Police Academy, and 15 May Prison³⁰.

²⁸ Arabic Network for Human Rights Information, 2018. *The Trial at Ministry - On the Trials Held At Ministry of Interior's Facilities Rather than at those of the Ministry of Justice*, retrieved from: <https://bit.ly/3enf209>

²⁹ see for instance: Universal Declaration of Human Rights, articles 5, 9, 10, and 11(1); UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, article 7 (3), and articles 11 to 13; the African Charter of Human and People's Rights, article 7(4); the Egyptian Constitution of 2014, article 54; the Egyptian Code of Criminal Procedure, article 268.

³⁰ Arabic Network for Human Rights Information, 2018. *The Trial at Ministry - On the Trials Held At Ministry of Interior's Facilities Rather than at those of the Ministry of Justice*, retrieved from: <https://bit.ly/2PVuTto>

“Honorable citizens”: mobilizing civilians into repression:

The involvement of ordinary citizens (so-called “honorable citizens”) in investigation processes might pose the question around what reasons lead Egyptian police and security forces to rely so heavily on common people in enforce the law. The mobilization of citizens into attacking opponents is not a phenomenon unique to Egypt. As a 2018 study by the ANHRI points out, something similar has been observed prior and following the revolution in Syria, in Tunisia, and in Venezuela under Maduro.

In Egypt, however, the recruitment of citizens at the hands of police and security forces to prosecute and even attack political opponents appears widespread and deeply embedded in the regime’s vision of a strictly controlled, highly militarised civil life.

On some occasions, “honourable citizens” targeted prominent human rights defenders in order to ensure their arrest by state security forces: activist Sanaa Seif was assaulted with some family members in front of Tora Prison in June 2020 by “thugs” probably acting upon request of prison authorities. Unfortunately this is no isolated episode, as unidentified “honourable citizens” were reported on several occasions to have assaulted journalists, demonstrators, political opponents, and journalists trying to document demonstrations or other significant social events.

Moreover, police and security forces are reported to frequently and consistently rely on “first-hand accounts” provided by individuals whose identity is never disclosed, therefore remaining unknown to defendants’ attorneys.

In several cases, behind these “secret sources” can be found individuals to whom “collaboration deals” have previously been offered by the police. Such deals consist in providing information to back up accusations against specific defendants in exchange for the promise to turn a blind eye on their illegal activities or unpaid debts.

What appears even more worrying in the mobilisation of citizens against political opponents is the impunity surrounding the crimes committed by angry crowds and “unidentified thugs”.

Empirical evidence indicates that, over the years, Egyptian authorities failed to prosecute those responsible for attacks against- and even killing of, as in the Battle of Camels- peaceful demonstrators and other civil society actors targeted by so-called “honourable citizens”.

Tadweer: the practice of “rotation” which keeps political prisoners jailed indefinitely on pre-trial detention:

The Egyptian Criminal Procedure Code sets precise terms for the duration of pre-trial detention, a measure intended as a last resort in order to achieve justice and guarantee public safety. The maximum duration of custody is commensurate with the seriousness of the charges and it corresponds to 6 months for misdemeanors charges, 18 months for those which qualify as felonies, and it can be renewed indefinitely if the defendant is accused of offences punishable by life imprisonment or death. Following the arrest, pre-trial detention renewal is to be ordered by a prosecutor or investigating judge for 15-days terms up to a maximum of 150 days; after that, such measure can be further renewed prior detention hearing for 45-days terms up to a maximum based on the charges against the defendant.

The existence of such time limits is paramount to guarantee the rule of law and the right of defendants to not be detained arbitrarily, as established in international law, specifically:

- In the International Covenant on Civil and Political Rights, art. 9(3) (right to not be subjected to arbitrary detention);
- the Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment, Principles 38 (right to a fair trial within reasonable time or to release pending trial) and 39 (right to release pending trial whereas permitted by law);
- The African Charter on Human and People’s Rights, art. 6 (ban on arbitrary arrests and detentions) and art.7 (4) (right to a fair trial within reasonable time).

Over time, however, a pattern of systematic violation of defendants’ rights has established, consisting in filing new charges against a detainee who has almost completed their sentence, or for whom the time limit to pre-trial detention is approaching (often referred to as tadweer, or “rotation”), or in holding the same defendant in custody for multiple cases simultaneously.

Both rotation and detention pending multiple cases result in prolonging the duration of defendants’ custody well beyond the limits to pre-trial detention set by the Code of Criminal Procedure³¹, potentially indefinitely. Given the frequency with which such practices are observed in Egyptian criminal justice, it is important to remember that none of them qualifies as a judicial order. Rather, both of them embody the Egyptian judiciary’s commitment to turn any loophole in the existing legislation into an opportunity to bypass its responsibility in ensuring defendants’ rights to a fair trial and to not be detained arbitrarily. The Egyptian criminal justice system is often referred to by human rights defenders as a “revolving doors system”, to denounce the existence of law-twisting practices, such as rotation and detention

³¹ Criminal Procedure code of Egypt (Qanun al-ijra at al Jina iyah). October 15, 1937. <https://bit.ly/3vX7uHq>

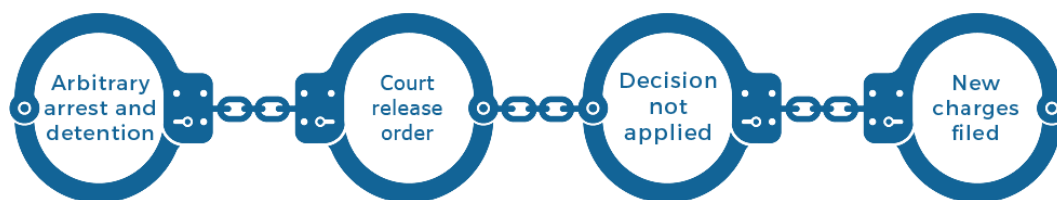
pending multiple cases, which result in depriving non-violent political prisoners of personal freedom even for years, thanks to a combination of mechanisms consisting in de facto potentially lifelong surveillance or imprisonment.

Prolonged pre-trial detention through rotation is problematic also because it violates the Principle of presumption of innocence contained in article 11 of the International Declaration of Human rights, according to which a defendant should be considered innocent until evidence presented in court and examined by competent authorities potentially finds them guilty.

An emblematic case in this sense is that of lawyer Sayed Al-Banna³², arrested in 2016 over his participation in the protests against the sale of Egyptian islands of Tiran and Sanafir to Saudi Arabia, and released after five months of pre-trial custody only to be arrested again in 2018 and forcibly disappeared. He was then charged in a case no. 621/2018, and held in pre-trial detention for approximately two years before having new accusations filed against him in 2020, a form of tadweer which prolonged his detention as the Prosecution could order his custody over the new case.

Practices known as rotation and detention pending multiple cases, despite not being judicial provisions, are so well-established in Egypt, and their use so widespread in targeting political opponents, **that it is possible to describe some very specific patterns in their application:**

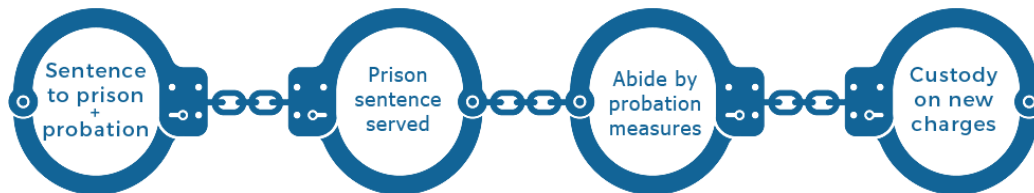
- **“Rotation” via filing new charges against a defendant following a release order.** It is what happened to Ibrahim Ezz el-Din³³, a human rights researcher arbitrarily detained for over a year on pre-trial detention until a release order decided in court on December 27th, 2020, which authorities failed to implement until he was charged in a new case on January 2nd, 2021 on the same accusations he had previously been found innocent of, with the result of simply prolonging his pre-trial detention indefinitely. Similarly, researcher Shaimaa Sami was detained on pre-trial custody for 8 months until a release order was issued on January 17th, 2021. The order was never implemented, and after 13 days of unlawful detention, she was charged in a new case with the same accusations of the previous one.



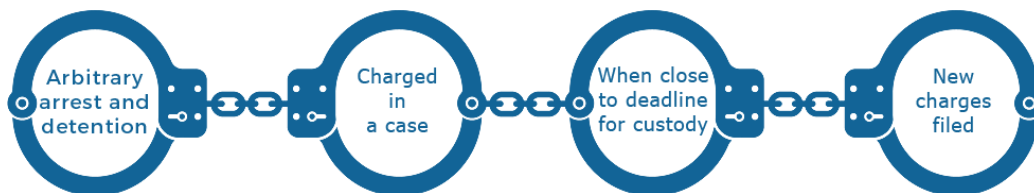
³² EgyptWide, 2021. #60milaPatrick: Sayed Al-Banna, a lawyer imprisoned for defending activists, retrieved from: <https://bit.ly/3u2ETjz>

³³ EgyptWide, 2021. #60milaPatrick: Ibrahim Ezz el-Din, tortured and forcibly disappeared for researching into civil and social rights, retrieved from: <https://bit.ly/31VIX8L>

- **“Rotation” after release and while on probation measures.** In this scenario, an individual sentenced to probation is arrested and charged in a new case, either on new charges or with the accusation of violating probation measures, therefore placing them under detention a second time. It is what happened to activist Mohamed Adel³⁴, arrested in June 2018 while on probation and charged in cases no.5606 and 4118/2018. He is currently in pre-trial custody pending both cases and a third one filed in 2020. Another famous case of rotation through filing new charges against a probationer regards blogger and activist Alaa Abdel-Fattah, who served a 5 years sentence between 2013 and 2018, following which was released on condition that he would complete a 5 years term on probation measures. He was arrested again in 2019 and ordered in a new case. He is currently held in pre-trial detention pending investigations.



- **Detention pending multiple cases.** In this scenario the defendant is remanded in custody pending investigations on two or more cases simultaneously, possibly to prolong the duration of their pre-trial detention beyond the time limit set by law as the deadline for custody release approaches. It is what happened to lawyer Muhammad al-Baqer, charged in a new case, the no. 855/2020, in August 2020 while in pre-trial custody since September 2019, when he was accused in case no. 1356/2019. Another emblematic case in this sense regards journalist Solafa Magdy, detained for 11 months pending investigation on case no.488/2019 after being arrested in November 2019 and charged in a new case, the no. 855/2020, in August 2020.



³⁴ EgyptWide, 2021. #60milaPatrick: Mohamed Adel, blogger and activist jailed for being one of the revolution’s voices, retrieved from: <https://bit.ly/3m21xFh>

Probation measures: deprivation of liberty following release from prison:

Another measure significantly impacting on human rights defenders' possibility to engage with political and social issues and exert their fundamental rights consists in the abuse of compulsory probation measures. However legal, this measure de facto deprives probationers of their basic rights to freedom of movement, work, education, and time for themselves and their families. It is one of the many measures through which the Egyptian regime suffocates civil society and silences those who criticise its agency.





Probation was originally intended to apply as a follow-up measure in felony cases following prison release, or as an alternative to pre-trial custody. However, over the years such measure has been increasingly applied to political prisoners from different backgrounds and with different affiliations. Defendants and prisoners involved in crimes of opinion can be sentenced to a police surveillance term either as an alternative to pre-trial custody (which is to say, before being formally tried in court) or, when already tried in court and found guilty, as a follow-up measure to be implemented after completing their prison sentence.

Probation measures typically require the individual to spend several hours a day (from 2 to 12 depending on the circumstances) at the nearest police district. Under Law no. 99/1945, whereas a probationer fails at appearing at the police district at the time indicated, this can lead to one year imprisonment for violating probation measures. The nature and use of this measure is regulated by Law no. 99/1945, which introduced probation through police surveillance in relation to anti-drugs policy and war on arms smuggling in Egypt. However, with the amendment of the Penal Code in 2011, which introduced specific measures for preventing "riots and thuggery", and more specifically with Presidential decree no. 10/2011, the Ministry of Interiors authorised the application of mandatory probation to political cases as well, thereby paving the way for the establishment of a practice of sentencing prisoners to probation for a period of time of equal duration to that of their prison term.

Over the past ten years, hundreds of political prisoners have been sentenced to 1 to 5 years mandatory probation (based on the duration of their previous prison sentence) without the possibility to file an appeal.

When applied in alternative to pre-trial custody, probation can be ordered by prosecutors without need for the approval of a competent judicial authority.

Furthermore, over the years a trend has developed in the abuse of preventative probation measures under article 5 of Law no. 99/1945, which allows police authorities to force probationers to spend the night hours at the nearest police district whereas their home appears to be out of reach or difficult for the police to monitor.

	Police Surveillance	Pre-trial Probation
	court sentence	alternative to pretrial detention
	judge	public prosecution
	7 days a week	1-4 days a week
	2-12 hour a day	2-4 hour a day
	one year imprisonment if not-compliant	pretrial detention if not-compliant

To date, it is hard to estimate the number of individuals on probation in Egypt because no official public record exists. According to Amnesty International, at least 400 activists were serving probation following their release from jail in 2019, and many hundreds more were likely to be subjected to the same measure upon their upcoming release in the same year³⁵.

Contrary to the regulations of law no. 99/1945, probationers convicted for political charges related to their activism appear to be frequently denied sick or work leaves, which local police authorities are expected to grant probationers under article 8 of Law 99/1945.

³⁵ Amnesty International, 2019. *Egypt: arbitrary and excessive probation measures against peaceful activists and individuals convicted after unfair trials*, retrieved from: <https://bit.ly/3uFIOPX>



Becoming “just a number”: dehumanization, torture and degrading living conditions inside detention facilities:

Several prisoners or former prisoners report one of the most disturbing aspects of imprisonment in Egypt to be the practice of identifying inmates with numbers. According to some, this makes them feel as if their very identity were slowly fading away as days go by, replaced by a numerical code assigned to their court case.

The degrading conditions which individuals are subjected to in Egyptian detention facilities has been denounced by several human rights organisations and the UN Rapporteur on Human Rights. In 2014, Egypt-based El-Nadeem Center for the Rehabilitation of Victims of Torture documented over 35 deaths in custody, most of which took place inside police stations, between June and September 2013. Approximately 37% of such cases, corresponding to 13 individuals, and the cause of death can be linked to overcrowding and lack of adequate healthcare. Another investigation³⁶ found that, in the governorates of Cairo and Giza alone, over 90 people died in custody between January and October 2014.

In a report published in 2015, Human Rights Watch defined the condition in Egyptian police stations detention facilities “life-threatening”, and expressed concern over the inhumane treatment to which prisoners are subjected- which includes deprivation of adequate food, fresh water, and sleep, exposure to severe temperatures, lack of adequate healthcare including life-saving treatments, overcrowding in detention facilities, torture in the form of physical, sexual and psychological abuses³⁷. In relations to the spike of deaths in custody recorded between 2013 and 2014, the report also denounces that Egyptian authorities failed to investigate the reasons for such deaths, and no measures were taken to improve the living conditions of inmates.

³⁶ El Watan, 2013. والجيزة خلال 2014 انفراد بالأسماء: وفاة 90 متهماً في أقسام القاهرة. retrieved from: <https://bit.ly/3b4HxxJ>

³⁷ Human Rights Watch, 2015. *Egypt: rash of deaths in custody*, retrieved from: <https://bit.ly/3eZmYE6>

In 2011, activist Sanaa Seif was arrested during a sit-in and held in custody for about 48 hours, during which she was subjected to severe ill-treatments.

In 2019, photo-journalist Solafa Magdy was arrested on terrorism-related charges and held for over a year in pre-trial custody. While in prison, she was consistently denied medical treatment and the right to family visits. She also reported having been subjected to physical and sexual aggressions.

In February 2021, researcher Ahmed Samir Santawy was forcibly disappeared for 5 days before his formal arrest, during which he was tortured.

In 2019, on the occasion of the Universal Periodic Review, a Coalition of Egypt-based and international NGOs presented a joint report³⁸ exposing the severe pattern of torture and related human rights abuses faced by Egyptian prisoners in both formal and informal detention facilities. As the report points out:

“Torture is a systematic practice in Egypt both in official and unofficial places of detention; Independent or effective monitoring of conditions of detention is practically absent; and, that Claims of torture are virtually not investigated while the judiciary has increasingly lost its Independence. The prevalence of enforced disappearances (ED) is singled out as having dramatically increased since the last UPR review in 2014.”

[Paragraph B, p. 3]

The data collected by the Coalition between 2015 and 2018 prove that, within a sample of 453 cases monitored, 95 of them were tortured in custody, and in at least 103 cases individuals were subjected to some form of police brutality outside detention facilities.

³⁸ Informal Coalition of INGOs and NGOs, including the Cairo Institute for Human Rights Studies, el-Nadeem Center for the Rehabilitation of Victims of Torture, the Committee for Justice, the Danish Institute Against Torture, and the European Commission for Rights and Freedoms, 2019. *The Universal Periodic Review of the Arab Republic of Egypt – 3rd Cycle - Joint-submission on the Right to be free from torture and ill-treatments*, retrieved from: <https://bit.ly/3vMXSih>

However, the report mentions that according to findings based on media archives over the same time lapse over detainees have been subjected to torture and ill-treatments in other forms, while deaths in custody amount to 449 cases, of which 85 appear to be directly related to torture in custody. **The Coalition's report also finds that:**

“The widespread use of torture has influenced people's perception of what constitutes torture to the extent that former detainees no longer consider slapping, kicking or beatings (not causing serious injury) to amount to torture and, accordingly, only report such treatment when asked in detail. Complaints are usually instigated when torture involves electrocution, stripping, threatened or actual rape with an object, suspension or inverted suspension from a hinge, soaking in cold water, food and water deprivation or threats to cause harm to the family among others.”

[Paragraph B, page 4]

Torture appears to be frequently recurred to in order to force defendants to release confessions which will be used against them in court, in open violation of both domestic and international law³⁹.

The Coalition research findings also indicate a severe pattern of unaccountability regarding the reasons for frequently failing to investigate detainees as victims of torture, and the worryingly frequent denial of healthcare and medical examination faced by victims as they try to file complaints to prison authorities⁴⁰.

Empirical evidence indicates that individuals under enforced disappearance are often victims of torture and severe ill-treatments, probably also due to the complete inability to communicate with the world and have their health conditions assessed by a professional while held in incomunicado.

Researcher Ibrahim Ezz el-Din was kidnapped on June 11th, 2019, and forcibly disappeared for 167 days, during which he was tortured and deprived of food and sleep in the attempt to obtain a confession to back up the accusations of misuse of social media and affiliation to a terrorist organization which he was then charged with. Activist and journalist Esraa Abdel-Fattah was

³⁹ See for instance: Egyptian Constitution of 2014, article 55; Egyptian Code of Criminal Procedure, articles 40 (2) and 268. For international law, see for instance: UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, articles 1 and 2; Universal Declaration of Human Rights, article 5.

⁴⁰ More data on ignored and overlooked complaints filed by detainees can be retrieved at: Egyptian Front for Human Rights, 2021. *Systematic Violations & Overlooked Complaints*, at the link: <https://bit.ly/3uufVJR>

kidnapped by State Security Agency officers in plainclothes on October 12th, 2019 and held incommunicado for 24 hours before being formally arrested. She, too, was subjected to torture in custody.

The kidnapping and forcible disappearance of human rights advocates appears just as endemic and systemic as ill-treatments in detention. Egypt has not yet signed the International Convention for the Protection of All Persons from Forced Disappearance, and its domestic law on criminal justice procedure is systematically violated by several State actors, including police and security forces, and the judiciary. EUROMED reported over 1703 cases of enforced disappearance between July 2013 and February 2019, mostly of a political nature⁴¹.

The Egyptian Front for Human Rights monitored 5 cases over the course of 2020, and found that 187 of the 222 defendants charged in such cases have been forcibly disappeared. 40 of them, corresponding to 18% of the sample, reported having been tortured by the officers in charge of their seizure or lawful detention⁴².

Lawyer and blogger Sayed Al-Banna was forcibly disappeared for three days in October 2018, before being transferred to a facility of the Prosecution for National Security and formally arrested.

Over the course of the previous years, the same had happened to journalist Shaimaa Sami and to human rights lawyer Mahienour el-Masry⁴³.

However already inhumane, the living conditions in Egyptian detention facilities are reported to have further deteriorated after the Covid-19 pandemic outbreak. In early 2021, a report by Amnesty International denounced the unwillingness by Egyptian authorities to adopt preventative measures against the spread of the virus inside prison facilities- thus demonstrating a complete lack of interest in the lives and deaths of individuals deprived of personal freedom⁴⁴.

⁴¹ EuroMed, 2019. *Factsheet: crackdown on human rights in Egypt*, retrieved from: <https://bit.ly/3vMXSih>

⁴² Egyptian Front for Human Rights, 2021. *366 Days of Violations*, retrieved from: <https://bit.ly/3haAN5k>

⁴³ EgyptWide, 2021. *#60milaPatrick:Mahienour El-Masry, jailed for defending workers' rights and the independence of the judiciary*, retrieved from: <https://bit.ly/3cjMfbH>

⁴⁴ Amnesty International, 2021. *Egypt: "What Do I Care If You Die? Negligence and Denial of Healthcare in Egyptian Prisons*, retrieved from: <https://bit.ly/2RyX3uC>

Gender-based violence on prisoners of conscience:

Torture and other degrading treatments perpetrated against political prisoners also appear to have a gender dimension. Despite the lack of comprehensive records and data on sexual and gender-based violence against political prisoners, some first-hand accounts shared by former detainees who bravely chose to break the silence shed a light on the unacknowledged, seemingly widespread, use of sexual and gender-based violence in Egyptian prisons as a tool to intimidate political opponents. The figures available to us seem to indicate that, however traumatizing and humiliating for individuals belonging to all genders, gender-based violence is disproportionately targeted at women and girls.

Egypt counts 63 state prisons⁴⁵, 11 of which are female detention facilities: Damanhour, Mansoura, Zagazig, Port Said, Qena, Sohag, Minya, Tanta, Shebin al-Kom, Benha, and al-Qanater. At least 283 women are currently being detained inside Egyptian prisons due to their journalistic, human rights and political activities⁴⁶. Among them, 11 were forcibly disappeared, 191 were detained arbitrarily pending trial, while the remaining 48 are serving prison sentences.

At least 25 have been subjected to “rotation” via filing of new charges against them, with 8 of them being detained despite having already completed their sentence and received a release order. It is reasonable to presume that many of them were tortured at the State Security headquarters after their arrest, as several human rights organizations documented over the years.

To make matters worse, the lack of hygiene and healthcare in detention facilities disproportionately impacts on girls and women’s health, as they struggle to access hygiene products and are frequently denied clean water when menstruating⁴⁷. Arguably, this is both a result of the overall negligence in the management of detention facilities, and a way to further humiliate political prisoners.

Prominent human rights organizations also denounce that severe human rights violations are perpetrated against political prisoners belonging to (or perceived as belonging to) gender and sexual minorities. According to ANKH and the Alliance of Queer Egyptian Organizations⁴⁸, sexual and gender-based violence against the queer community at the hands of state officers has intensified over the last 20 years, and waves of arrests of LGBTIAQ activists have been witnessed in several occasions under Sisi’s presidency. EIPR reported that the number of individuals arrested as a result of their real or perceived gender identity or sexual orientation

⁴⁵ Rosa Luxemburg Stiftung, 2018. Egypt Under Sisi, <https://bit.ly/3fg1P8y>

⁴⁶ WeRecord, 2021. <https://bit.ly/3w196jk>

⁴⁷ an important initiative in this sense is the campaign, launched on March 8th, 2019, by EIPR to raise awareness on lack of hygiene products in prisons called *Period in Prison*, available at: <https://bit.ly/3erns6H>

⁴⁸ Arabic Network for Knowledge of Human Rights and Alliance of Queer Egyptian Organizations, 2021. *Statement Concerning LGBTIQ+ Rights*, <https://bit.ly/3hh6eeh>

has spiked since the military coup (232 cases recorded between 2013 and 2017 in comparison to the 189 recorded in the 2000-2013 period)⁴⁹. Most of those people have been subject to torture in different forms (including the detention of trans+ people in opposite gender facilities).

Many girls and unmarried women reported to have been subjected to sexual harassment under the name of “inspections”, and some of them were forced to undertake so-called virginity tests⁵⁰. Despite having been declared “degrading and anti-scientific” by the World Health Organization in 2018⁵¹, such practice has become routine in Egypt over the years following Sisi’s coup. Consisting in an alleged inspection of female internal genitals, it serves the purpose of discrediting political opponents and activists by spreading insinuations on their “sexual morals” and “honor”.

Another factor in determining the impact of poor hygiene on health conditions is age, which can represent a significant concern in cases regarding prisoners aged over 60, such as prominent lawyer Hoda Abdel Moneim. Political prisoners are also reported to be subjected to deliberate medical neglect, an ill-treatment which can lead to severe outcomes, especially for those with pre-existing health conditions. Most notably, political detainee Maryam Salem died in custody as a result of medical neglect in 2019.

⁴⁹ Egyptian Initiative for Personal Rights, 2017. *The Trap: Punishing Sexual Difference in Egypt*.

<https://bit.ly/3blnDP5>

⁵⁰ Human Rights Watch, 2021. *Submission to the Committee on the Elimination of Discrimination Against Women in Egypt*, retrieved from: <https://bit.ly/3h9vgfi>

⁵¹ World Health Organization, 2018. *Eliminating Virginity Testing: an Interagency Statement*, retrieved from: <https://bit.ly/3uF73kE>

Repression beyond criminal justice: Law on NGOs, retaliation, travel-bans, terrorism lists:

The most impressive- and arguably, the one producing the most dramatic outcomes in terms of human rights violations- face of the crackdown on civil society is the process of criminalization, marginalization and deprivation of personal freedom faced by civil society actors.

Beside it, it is noteworthy that other procedures and practices exist which make a significant contribution to stifling the public sphere and silencing critical voices.

The most significant patterns in repression which have to date been observed and exposed in this sense **can so be summarized:**

- **Stifling the public sphere through a progressively limiting legislation on third sector organizations and NGOs⁵².** In particular, Law no. 149/2019 further restricts the freedom of association by banning any civil society group, initiative or organization which has not previously been released an authorization license from the Ministry of Interiors (an entirely non-transparent process, which can take up to some years for completion). Prominent human rights organizations were forced to suspend their activities in recent years as a result of this increasingly hostile situation. In 2017, an administrative order decree of the Ministry of Interiors upheld the shutdown of El-Nadeem Center for the Rehabilitation of Victims of Torture; and later on the same year, Nazra for Feminist Studies had its assets frozen upon a court order by Cairo Criminal Court.
- **Travel bans.** This measure consists in forbidding the release of visas to travel out of the country to specific citizens. It has been weaponized against several prominent human rights defenders (including Azza Soliman, Ramy Shaath and Asmaa Mahfouz) in order to prevent them from leaving Egypt. In the period between 2013 and 2018, over 500 travel bans have been filed⁵³.
- **Retaliation against human rights defenders abroad.** A heinous pattern in retaliation against activists and researchers criticizing the regime while living outside of Egypt has been observed during the past few years, consisting in acts of reprisal by police forces targeting their family members still living in Egypt. Two recent prominent cases regard Germany-based researcher Taqadum Al-Khatib and Egyptian-American human rights defender Mohamed Soltan⁵⁴.

⁵² EgyptWide, 2021. *Così la nuova normativa sulle ONG soffoca la società civile egiziana*, retrieved from: <https://bit.ly/3uufpeX>

⁵³ Rosa Luxemburg Stiftung, *Egypt under Sisi*. <https://bit.ly/3fg1P8y>

⁵⁴ EgyptWide, 2021. *Il governo egiziano compie atti di ritorsione per mettere a tacere coloro che difendono i diritti umani, le ricercatrici e i ricercatori, e le loro famiglie*, retrieved from: <https://bit.ly/3tubn53>

- **Terrorism “blacklists”.** A powerful way to silence critical voices is to discredit or invalidate their public image. Several prominent human rights defenders have been added to a national terrorism-watch list, a measure aimed at isolating individuals even after prison release, turning them into outcasts and depriving them of credibility. Egyptian-Palestinian activist Ramy Shaath was listed for terrorism in 2020, thus forbidding him to participate in any political or social activities. The same has happened to lawyer Muhammad al-Baqer and blogger Alaa Abdel-Fattah.

CONCLUSIONS

In December 2020, after almost five years of flawed investigations, diversions, and attempts to discredit his figure in the public eye, the Italian prosecutors in charge of inquiring into the murder of Giulio Regeni filed accusations of kidnapping, abuse of authority, severe ill-treatment, and homicide, against four Egyptian security forces officers- namely, general Sabir Tariq, and colonels Hisham Helmy, Atheer Kamel Mohamed Ibrahim, and Magdy Ibrahim Abdelal Sharif⁵⁵.

The four defendants are to be tried in absentia in a court trial started in late April 2021, less or more at the time of writing. The choice to put the blame on a few individuals for a case such as Regeni's has been judged unsatisfactory by many, first and foremost by the Regeni family, who have been at the forefront in the demand for truth and justice "for all the many Giulios of Egypt" with unquestionable firmness and dignity over the past five years.

Italian authorities, on the contrary, have never proved consistently determined in achieving truth and justice from their Egyptian counterpart. Rather, with the decision to ignore the regime's responsibility in Regeni's murder, Italy confirms its previously low-key attitude to turn a blind eye to the human rights situation in Egypt for the sake of political and commercial deals stipulated with Sisi's regime.

After the international outcry following the Rabaa massacre in 2013, Italy has remained one of the few EU member countries to maintain tight relations with Egypt. It's noteworthy that, over the following seven years, it has increased over tenfold its arms export to Egypt, in open violation of its domestic law⁵⁶.

Meanwhile, in Egypt, the undeclared state of emergency progressively established after the forcible overthrow of Mohammed Morsi's government in 2013 has not been uplifted. Combined with the rhetoric of national security, it contributed to normalize a suffocating atmosphere of suspicion and lack of sympathy for those labeled as "illegal organizations affiliates". The media has played a significant role in this process, stressing the necessity for draconian security measures and the martial law to protect the public while systematically denying the widespread human rights abuses perpetrated by State apparatuses under the flag of "war on terror".

⁵⁵ La Repubblica, 2020. *Regeni: la Procura di Roma chiude l'inchiesta, quattro 007 egiziani verso il processo.*

Retrieved from: <https://bit.ly/3bprUB3>

⁵⁶ Legge n.185/1990

As the trial on the four above-mentioned Egyptian security forces officers begins, pro-governmental Egyptian broadcaster Ten TV has released a defamatory documentary which, relying on fake-news and falsified evidence, depicts the late Italian researcher as an ambiguous figure with links to either the Muslim Brotherhood, Israeli secret services, or both⁵⁷. The spread of negative propaganda by the Egyptian pro-regime media aiming at discrediting the victims of repression is not unique to Regeni's case. Political prisoners and human rights advocates have been a target of similar media coverage for years.

The more they are portrayed as traitors, spies, and terrorists acting on behalf of mysterious domestic or foreign powers, the less sympathy they receive from the general public as victims of enforced disappearance, torture, unfair trials, arbitrary detention, and even murder.

In this context, changing the narrative represents a fundamental goal in the struggle for truth and justice. If everywhere in the world police brutality tends to be ascribed to individual actions rather than analyzed and addressed as a structural phenomenon, a change of perspective in the discourse is even more necessary when discussing the situation in Egypt, where human rights violations at the hands of police and security forces appear to be an endemic, state-sponsored reality.

For a change in the narrative such as this to take place, it is necessary for public opinion to shift the attention from individual cases to the broader, general pattern of human rights abuses.

Our objective in writing this report- enlarging the focus from Patrick George Zaky's well-known case to 15 less known stories- is precisely this. On the other hand, by choosing to focus on a small sample of individuals, this work risks to involuntarily strengthen the same narrative it tries to challenge.

However true that individual stories are powerful in mobilizing public opinion by enabling people to empathize with complex phenomena, the risk in such stories is to create once more a flawed narrative which betrays reality.

While dedicating our attention to the 15 cases we chose as lenses to read the repression of civil society in Egypt, we must not forget the tens of thousands of political prisoners who are subjected to these same, or similar, human rights violations. To all those whose names and stories are not mentioned here, and yet pay the price for the regime's "stability" by being silenced, abused, exiled, or killed, this report is also dedicated.

⁵⁷ Wired, 2021. *Chi c'è dietro il "documentario" egiziano che denigra Giulio Regeni?* Retrieved from: <https://bit.ly/3obxEDA>

EgyptWide

was first created as Egyptian-Italian Initiative for human rights and civil liberties. Our engagement stems from the aspiration to promote a culture of nonviolent commitment to positive peace nationwide in Egypt- so to say, **EgyptWide**.

We are a group of human rights defenders with different academic backgrounds and career paths.

We are Egyptian activists from the diaspora, and Italian activists eager to join them in demanding

justice from the country which since 2019 has become the largest importer of Italian arms (and with which the Italian government maintains unaccountable and profitable international relations).

We are members of the civil society from two distinct but closely tied countries, who recognise themselves as stakeholders with a shared, mutual interest in advocating universal rights for all.

