

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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EGYPT: RELEASE HUMAN RIGHTS RESEARCHER IBRAHIM EZZ EL-DIN AFTER HIS TORTURE AND ENFORCED DISAPPEARANCE

The undersigned organisations call on the Egyptian authorities to immediately and unconditionally release Ibrahim Ezz el-Din and all other human rights defenders imprisoned solely for their human rights work.

Ibrahim is a researcher at the Egyptian Commission for Rights and Freedoms (ECRF), where he worked on the right to housing. He has been investigating forced evictions and Egypt's urban planning policies and working towards ensuring that everyone has access to safe and affordable housing.

The case of Ibrahim is emblematic of the brutal tactics and utter disregard for national and international law by the Egyptian authorities in their crackdown on human rights defenders and independent civil society organisations, the undersigned organizations said.

Security forces forcibly disappeared and subjected Ibrahim to torture and other ill-treatment. He was arbitrarily detained over unfounded "terrorism" charges because of his legitimate work advocating for the right to adequate housing. On 4 December 2019, a prosecutor extended his detention for 15 days. He is currently detained in Tora Investigations Prison in the south of Cairo.

The undersigned organisations call on the Public Prosecutor to **immediately and unconditionally release Ibrahim Ezz el-Din**, as he is detained simply for his human rights work. The authorities must **open an investigation into his enforced disappearance and reported torture** and bring all those responsible to justice, including those who ordered, covered up or participated in any other way in his enforced disappearance. We also call on the Egyptian authorities to end the crackdown on civil society by ending the investigation known as Case 173, lifting the travel bans and asset freezes against civil society staff members, and releasing all those detained solely for their work defending human rights in Egypt.

ENFORCED DISAPPEARANCE

On 12 June 2019 at around 1am, Ibrahim was arrested at his home in Mokattam, Cairo. He was shackled, blindfolded and taken to an undisclosed location. Following his arrest, his family and lawyers sent telegraphs to the Minister of Interior, the Office of the Public Prosecutor and the National Council for Human Rights. They also asked about his whereabouts at police stations near the area where he lives. However, none of these bodies acknowledged that he was in custody. It was only on 26 November, more than five months later, that a lawyer saw him at the Supreme State Security Prosecution (SSSP) building where he had been taken for the investigation. The National Security Agency (NSA) told the prosecutor that they had arrested Ibrahim on 25 November. Ibrahim and his lawyers contested this and asked for an investigation into the fabrication of the date of his arrest and the denial of his enforced disappearance.

Ibrahim's detention for 167 days in secret places of detention, amid official denial of his detention and concealment of his fate and whereabouts, constitutes an enforced disappearance under international law. The authorities deprived Ibrahim of his liberty since the time of his arrest on 12 June 2019 and the actors responsible for the arrest and detention were state agents. Finally, Ibrahim's arrest and detention between 12 June and 25 November has been denied by several state officials on several occasions and in official documents, placing him outside the protection of the law.

The prosecution has the responsibility to investigate Ibrahim's enforced disappearance, as states are required to find criminally liable any individual who is an accomplice or a superior and fails to take all necessary measures within his or her power to prevent or stop enforced disappearances. Failure to do so would amount to complicity in Ibrahim's enforced disappearance.

TORTURE AND OTHER ILL-TREATMENT

Ibrahim told the prosecutor that he was tortured during his detention at two different places of detention. After his arrest, he was shackled, blindfolded and put in a car that drove about 45 minutes to an unknown location. Upon arrival, he was beaten on the groin by an officer. A doctor then examined Ibrahim, and he informed the doctor that he suffers from chronic

stomach pain and allergies. He was then transferred to a room on the ground floor with leather walls and with a 360-degree monitoring camera. After about two hours, he was transferred to another room of about 3m x 3m.

Ibrahim told the prosecutor that he had been tortured during his detention to extract information about his relationship with ECRF, the organisation's work and his thoughts about housing rights and the upgrading of informal settlements, commonly referred to as slums. He said he was held in inhumane and degrading conditions by several security agencies. He also said that he was forced to sign documents without knowing their content and to sign other documents that he was forced to write in his own handwriting, copying out text already written for him. He was forced to "confess" that he grew up as a member of Muslim Brotherhood and that he joined Students Against the Coup while in university. He was also forced to write his vision and ideas on housing rights and the upgrading and demolition of slums. The agents who forced him to write statements or sign documents ensured that he was exhausted, or sleep deprived before he was asked to write or sign.

Ibrahim told the prosecutor that during the initial 45 days of his detention, he was subjected to electric shocks on several areas of his body, regular beatings by security personnel, sleep deprivation and stress positions, starvation and threats that he would be killed if he refused to sign documents or write "confessions". He also received threats that his family would be harmed, and his mother would be sexually assaulted if he did not comply. After 45 days, he was transferred to another cell three floors higher, where he stayed for about two months. Then a high-ranking officer discussed with him (while blindfolded) his ideas about housing rights and the upgrading of slums. This officer was presented to him by another officer as being the man who would decide if he "gets out or never sees the sun". He was then transferred to the National Security Agency building in Abbaseya where he spent about 50 days shackled to the wall (with many other detainees) and on the last day had his hair cut to make it appear as if he had just been arrested.

His lawyers called for an investigation into the security officials responsible for his torture and requested that he be examined by the Forensic Medical Authority. To date, the SSSP has not opened an investigation into his torture.

Ibrahim's treatment amounts to torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Egypt is a party. The CAT – which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity" – requires that States party to the treaty "take effective, legislative, administrative, judicial or other measures to prevent acts of torture" in areas within their jurisdiction.

The Convention also obliges all states parties to "ensure that all acts of torture are offences under its criminal law" including acts that constitute "complicity or participation in torture", and to undertake a "prompt and impartial investigation" whenever there is "reasonable grounds to believe that an act of torture has been committed". Under the CAT, victims of torture must obtain redress and have an "enforceable right to fair and adequate compensation".

ARBITRARY DETENTION

The prosecutor told Ibrahim that he was accused of "joining a terrorist group in achieving its goals" and "disseminating false news that could undermine the state security" as part of Supreme State Security case no. 488/2019. The questioning focused on Ibrahim's legitimate work to advocate for the right to adequate housing and did not indicate the action, group, or news of which Ibrahim is a part or for which he is responsible.

The sole basis for the accusations is the NSA investigations case file. The prosecutor did not present any evidence for the charges against Ibrahim nor did he allow Ibrahim or his lawyers to examine the NSA investigation case file against him or to prepare an adequate defence. The prosecutor did not allow Ibrahim to consult with his lawyers in private. Ultimately, the prosecutor assumed judicial powers and ordered Ibrahim's detention for 15 days pending investigations, which he has not been able to challenge in court. The prosecutor did not indicate the grounds for Ibrahim's pre-trial detention.

Ibrahim's detention is arbitrary under international law. The UN Working Group on Arbitrary Detention has found that detention can be arbitrary even when allowed by domestic law if it contravenes international standards or is incompatible with other human rights such as the rights to freedom of expression, peaceful assembly or religious belief. The charges against Ibrahim stem solely from Ibrahim's legitimate activities to advocate for the right to adequate housing.

Furthermore, "national security" cannot justify the detention of Ibrahim for having disseminated information about human rights violations, as any restriction on the right to freedom of expression must be necessary and proportionate to a legitimate aim. None of the information that the authorities have provided so far in Ibrahim's case justify the imposition of these restrictions. Therefore, the charges against Ibrahim are arbitrary in nature.

Beyond the arbitrariness of the charges, Ibrahim's pre-trial detention is also arbitrary because pre-trial detention should only be used as a last resort and the authorities must prove that it is necessary and proportionate. So far, the authorities have failed to provide any explanation that would justify the pre-trial detention of Ibrahim.

WIDER CRACKDOWN AGAINST HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY

The arrest, detention, enforced disappearance and torture of Ibrahim is an example of the authorities' increasingly brutal crackdown on human rights defenders and civil society, which has been worsening since early 2016. The authorities have targeted human rights NGOs and their staff members, as well as independent human rights defenders and activists for their work in defending human rights, including for their engagement with international human rights mechanisms, through arbitrary arrests and detention, enforced disappearance, torture and unfounded charges.

Ibrahim is the fifth person affiliated with ECRF to have been arrested since 2016. His arrest follows the recent detention of labour rights lawyer Haytham Mohamdeen, who works at ECRF and who has been in pre-trial detention since 13 May 2019 on unfounded charges of "aiding a terrorist group". In May 2018, Egyptian security forces arrested human rights defender Amal Fathy, the wife of the Executive Director of ECRF and former Amnesty International Researcher Mohamed Lotfy, over a video where she criticized the authorities' failure to address rampant sexual harassment. She was eventually released in December 2018. Security forces also arrested ECRF Minorities Programme Director Mina Thabet and Head of the ECRF Board Ahmed Abdallah in 2016, before releasing them both without charges.

The Egyptian authorities have been subjecting human rights defenders to increasingly harsh reprisals for their work. Most recently, NSA officers arrested and tortured human rights defender Esraa Abdelfatah, before holding her in pre-trial detention on unfounded "terrorism" charges. To date, the Public Prosecution has not opened an investigation into the torture of Esraa. Furthermore, the authorities have arrested human rights defenders and lawyers Mahienour el-Masry and Mohamed el-Baqer, while they were representing detainees, and detained both over unfounded "terrorism" charges.

Dozens of human rights defenders continue to face undue restrictions and an ongoing investigation into their legitimate human rights work as part of case 173/2011, known as "the foreign funding case", where tens of human rights defenders, including Azza Soliman, Aida Seif el-Dawla, Mozn Hassan, Mohamed Zaree, Hossam Bahgat and Gamal Eid are accused of "receiving foreign funding in order to undermine state security". Investigative judges summoned dozens of human rights defenders and civil society staff members for questioning, before releasing them on bail. The authorities have also subjected at least 31 human rights defenders to travel bans and 10 to asset freezes, as well as freezing the assets of seven human rights organisations.

The organizations are:

AI - Amnesty International

CIHRS - Cairo Institute for Human Rights Studies

DIGNITY - Danish Institute against Torture

ECRF - Egyptian Commission for Rights and Freedoms

EuroMed Rights

FIDH – International Federation for Human Rights

HRW - Human Rights Watch

OMCT - World Organisation Against Torture