

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

29 June 2010

AI Index: MDE 12/027/2010

Egypt: Keep Promise to Free Detainees by End of June

May 11 Emergency Law Revisions Mean No Legal Authority to Keep Hundreds of Prisoners

The Egyptian government should keep its promise to free detainees who can no longer be held because of changes on May 11, 2010, in the scope of application for the country's emergency law, a coalition of twelve Egyptian and international human rights organizations said today. High-level officials had promised that they would start freeing prisoners on June 1 and that the releases would be completed by the end of the month, said the coalition which includes Human Rights Watch, Amnesty International, Alkarama Foundation, and the Egyptian Initiative for Personal Rights.

The government announced on May 11 that it would limit administrative detention under the emergency law to persons suspected of involvement in terrorism or drug-related crimes. The change, included in the presidential decree renewing the state of emergency, formally ends any reliance on the emergency law for holding anyone for any other reason and would require the government to immediately free hundreds of detainees whose detention is unrelated to such offenses.

"The government should show that its promise to limit the scope of the emergency law is not just empty words and immediately begin to free everyone being held for reasons other than terrorism or drugs," said Sarah Leah Whitson, Middle East and North Africa director for Human Rights Watch. "The world is watching."

On June 12, Interior Ministry officials told Human Rights Watch that those held for other reasons would be free by the end of the month. They said the releases would occur either through the courts or at the initiative of the ministry after reviewing the basis of detention and determining that the detainee was not connected to terrorism or drugs. This apparently means that lawyers for the detainees would have to seek their release by filing appeals in the courts created under the emergency law.

On June 11, Mufid Shehab, minister of legal affairs and parliamentary councils, announced before the United Nations Human Rights Council in Geneva, in the framework of Egypt's Universal Periodic Review of its human rights record, that about 453 detainees had been released. Human Rights Watch, Amnesty International, Alkarama Foundation, and Egyptian Initiative for Personal Rights have been unable to confirm this assertion.

"The Egyptian government is under an obligation to release all administrative detainees or charge them with a cognizable criminal offense and provide them with a fair trial," said Hossam Bahgat, Director of the Egyptian Initiative for Personal Rights. "Moreover, international human rights treaties to which Egypt is a state party clearly place the onus on the Egyptian government, on its own initiative, to immediately release all detainees in respect of whom it has repealed the legal provisions authorizing their detention."

Egyptian lawyers and human rights groups estimate that between 5,000 and 10,000 people are currently in long-term detention without charge or trial under the emergency law. Some have been held for more than a decade. Many have filed appeals before emergency courts and obtained numerous final release orders enjoining their release, but remain detained.

Administrative detainees are entitled to lodge a complaint against their detention to an emergency court, which may issue an order for their release, against which the interior minister may appeal. If the minister objects to the release, the complaint is examined by another emergency court. If this court also orders the detainee's release, the Interior Ministry is required to free the detainee. In practice, though, the ministry has frequently bypassed these court decisions by issuing new detention orders, thus undermining the judicial review provided by the emergency law.

Article 3 (1) of the emergency law empowers the Interior Ministry to "arrest and detain suspected persons or those who endanger public order or security." The law renewing the state of emergency limits the scope of detention powers to cases of "combating the dangers of terrorism and its financing and the purchase, export and trafficking in narcotics." However, the definition of terrorism under the Egyptian law is quite broad, covering "any threat or intimidation" with the aim of "disturbing the peace or jeopardizing the safety and security of the society."

"If the Egyptian authorities rely on this expansive definition of terrorism, they could continue to use the emergency law to detain peaceful political opponents and rights activists," said Hassiba Hadj Sahraoui of Amnesty International. "Thousands still languish in administrative detention despite having obtained release orders from the courts; the government, which is charged with upholding the rule of law, should immediately abide by these decisions."

Emergency Law Detention and Promises for Change

Despite promising since 2005 to end the state of emergency, which has been continuously in force since 1981, the government renewed it on May 11 for two more years. The presidential decree renewing the measure, which the People's Assembly approved, states in article 2 that enforcement "will be limited to cases of combating the dangers of terrorism and its finance and the purchase, export and trafficking in narcotics."

The organizations also noted that the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, expressed concern in October 2009 following a visit to Egypt about the breadth and imprecision in definitions of terrorism offenses in Egyptian law.

The groups noted that while the government has been claiming for years that it applies the emergency law only in drug trafficking and terrorism cases, the interior minister has routinely approved new detention orders on a variety of other grounds. People have been detained because of their political views or on suspicion of links to networks aiding illegal migration abroad or in connection with incidents of sectarian violence, and at times for their religious beliefs. State Security Investigations (SSI) officials also have routinely ignored final court orders to free emergency law detainees in their custody, giving rise to doubt that the government will carry out its new pledge.

On May 11, Fathi Surour, speaker of parliament and a senior official of the ruling National Democratic Party (NDP), said, "Every detainee whose detention is not related to counter-terrorism and drugs will be free on June 1 under the new presidential decree limiting the scope of application of the emergency law."

The Egyptian state newspaper [Al Ahram reported](#) this the next day, quoting Surour as saying, “I am responsible for the legal interpretation of this law.”

The independent daily newspaper [Al Dustoor reported](#) on May 11 that General Amin Radi, member of the NDP policies committee and deputy head of the parliamentary committee on defense and national security, told the committee that the Interior Ministry would release all those detained under the emergency law on any grounds other than drugs and terrorism offenses, including those detained for “illegal” migration and financial crimes.

The UN Working Group on Arbitrary Detention, a panel of independent legal experts appointed by the UN Human Rights Council, has issued at least seven decisions urging the government to release individuals detained under the emergency law because the detention practices under the state of emergency “[do] not conform to the requirements of the International Covenant on Civil and Political Rights (ICCPR).” The UN Human Rights Committee, the body tasked with interpreting and monitoring compliance with the covenant, said in 2002 that it was “disturbed” by the “semi-permanent state of emergency” in Egypt. Also in 2002, the Committee against Torture concluded that the state of emergency was “hindering the full consolidation of the rule of law in Egypt” and recommended that Egypt “[e]liminate all forms of administrative detention.”

“If the government wishes to fulfill its pledge to curtail the arbitrary detentions that have been rampant under the emergency law, it should, as a start, immediately release detainees held for their suspected nonviolent political activities and views,” said Rachid Mesli, director of Alkarama Foundation's legal department.

Examples:

Detained for expressing an opinion, peaceful activism, other activities unrelated to terrorism or drug-trafficking

The government detained Hany Nazeer, a blogger who provided a link to a controversial book that some in his village, Abu Tesht in Qena, considered insulting to Islam, on October 3, 2008, saying it was “to protect [his] life in light of the anger and the strong uprising of the Muslims in Abu Tesht in Qena caused by his blog.” Despite an April 3, 2010 court order for his release, the Interior Ministry renewed his detention for the sixth time at the end of April.

SSI has detained human rights defenders Mus’ad Abul Fagr and Yehia Abu Nassira under successive emergency law orders since February 15, 2008, because of their criticism of abuses against Bedouins in the Sinai desert. Abul Fagr founded the *Wedna Ne’ish* (We Want to Live) movement, calling for better access to education, health, and property rights for the Bedouin, as well as the release of the hundreds of Bedouins detained under the emergency law. There have been 21 court orders for Abul Fagr’s release. Both men remain detained under the emergency law, along with their brothers, Ahmed Abul Fagr and Ghanim Abu Nassira.

Detained for membership in the Muslim Brotherhood, a peaceful opposition group

The Muslim Brotherhood lawyer Abdelmoneim Abdelmaqsood said on May 23 that he had submitted a memorandum to the interior minister and the public prosecutor calling for the immediate release, based on the new presidential decree, of 191 members of the Muslim Brotherhood detained under the emergency law.

Ragab Mohamed El Banna, 55, a candidate in the 2005 parliamentary elections, has been arrested repeatedly for his political beliefs and activism on behalf of the Muslim Brotherhood. He was arrested on December 5, 2009, held for four months for “investigation,” according to authorities. On March 18, the criminal court of Kafr El Sheikh ordered his immediate release. But the interior minister issued a new emergency law detention order for him, and he remains locked

up in Wadi Natrun prison.

Detained on suspicion of aiding illegal migration abroad

Over the past three years, security forces have arrested scores of people from the Nile Delta, including fishermen, and the Interior Ministry is detaining them on the basis of detention orders on suspicion of aiding illegal migration abroad.

Adel El-Sayyed Eisa Salim was arrested on September 24, 2007, and charged with the illegal transfer of migrant workers abroad in case no. 12027 of 2007 of Rashid Misdemeanors court in the governorate of Kafr Sheik. The Rashid public prosecution office ordered his release on bail on October 7, 2008, but the ministry of interior issued a new administrative detention order the next day. Although he was acquitted by a court on December 2, 2007, he continued to be held in administrative detention. He filed appeals against his detention in October and December 2009, and again in February 2010, but these were rejected by the court. He is in Borg al-Arab Prison, near Alexandria.

Detained for religious beliefs

Over the past years, security officers have on several occasions detained members of religious groups with beliefs differing from official Sunni Islam under the emergency law. This has occurred with members of the Ahmadi, Quranist, and Shi'ite minorities. SSI has held eight men who identify themselves as Shi'ite Muslims since April and May 2009. One is Mohamed Farouk El Sayed, an engineer employed at the Ministry of Electricity and Energy, arrested on May 31, 2009. His lawyers have appealed his detention three times, and the emergency court has ruled in his favor every time. In mid-2009, the men appeared before the state security prosecutor, who questioned them about their Shi'ite faith, accusing them of spreading Shi'ite thought and of "contempt of religions," an offense under the Egyptian penal code. In October 2009, the prosecutor ordered their release but the Interior Ministry continued to renew their detention orders, most recently in June. On June 8, the emergency court ordered the release of the eight men, but they remain detained in Damanhour prison.

The signatory organizations are:

Human Rights Watch
Amnesty International
Al Karama Foundation
The Egyptian Initiative for Personal Rights
The Association for Freedom of Thought and Expression
The Egyptian Center for Economic and Social Rights
El Nadim Center for Rehabilitation of Victims of Torture
The Cairo Institute for Human Rights Studies
The Land Center for Human Rights
Hisham Mubarak Law Center
The Egyptian Association for the Enhancement of Community Participation
Center for Trade Unions and Workers Services

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Human Rights Watch, Al Karama, and the Egyptian Initiative for Personal Rights on behalf of the Campaign have documented a list of the following detainees under the emergency law whose detention is not related to terrorism and drugs:

1. Hani Nazeer
2. Massad Abu Fagr
3. Ahmed Abu Fagr
4. Yahya Abu Nasera
5. Ghane Abu Nasera
6. Atef Mohamed Amer
7. Osama Mohamed Ebeid
8. Saad Aboul-Enein Metwaly
9. Badr Abdel Aziz Mahmoud Alflah
10. Omar Abdel Aziz Makhlouf
11. Abd El Aziz Said Makhlouf
12. Ahmad Farid
13. Nasr Al-Sayyed Hassan Nasr
14. Massad Tawfiq El Shafei
15. Amr Ahmed Suleiman Mohamed
16. Ibrahim Ahmed Abdel Muti
17. Jamal Mahmoud Ibrahim Hegab
18. Adel Mohamed Ali Diab
19. Khaled Nabil Hussein Elsayed
20. Bara Adel Mostafa Mohamed El Tayeb
21. Abu Zaid Kassim
22. Hamada Khalaf Ismail Mahmoud
23. Nabil Ibrahim Mohamed
24. Rami Faik Wehbe
25. Abd Alla Osman El-Mahdi
26. Abdul Rahman Mohamed Saad
27. Rajab Mohammed Al-Banna
28. Saleh Bastawy
29. Jamal Imam
30. Ahmed Abdel-Hamid Alkhaddl
31. Ahmed Osama Mourad
32. Mohammed Saleh
33. Mohamed Abdel-Latif Hallaj
34. Anas Essam El-Din al-shafei
35. Ahmed Naim
36. Elsayed Ali Abdul Khaliq
37. Bilal Saad algezer
38. Maaz Sabah Sharaf
39. Saeed Salem
40. Ahmed Mohammed Abu Zeid
41. Hamdi Mohammed Ibrahim Alkholy
42. Yahya Aqeel Sulaiman
43. Abdul Hafiz salama Abdul Hafiz
44. Abdel-Rahman Abdel-Hafez
45. Ahmed Ali Hafez
46. Ahmed Ali Hakim
47. Ahmed Mohamed Mahmoud
- 48-. Anwar Shaban Morsy
49. Jamal Ali Abdul Wahab

50. Mohamed Ali Abd el-Gawad
51. Mohammed Amin Hussein
52. Mohammed Behnsawi
53. Mohamed Fathy Mahmoud
54. Mohammad Mehdi
55. Mohamed Sayed Hassan Abd-El Khalek
56. Nafie Sayed Abdul Salam
57. Nasser Hassan Abd El- Sattar
58. Rabiae Abd EL-Salam
59. Sameh Mohamed Mahmoud
60. Hassan Abd El-Salam
61. Abdul Rahman Mohamed Ahmed
62. Ayman Al-Subhi Jamil
63. Ayman Al-Faraj
64. Mahmoud Fawzi
65. Mohamed Abdel-Hamid Abd El- Moez
66. Mohammed Ali Hassan Sabra
67. Ragab Hisham Abdel-Meguid
68. Sayed Ahmed Al-Ghandour
69. El-Sayed Mansour
70. Taha Saad gomaa
71. Tamer Ahmed El Sayed
72. Hassan Hussein
73. Hussein Abdel-Razek
74. Ibrahim Saad
75. Mohamed Abdel-Latif El Barkoky
76. Mohammed Abdel-Rahman
77. Sameer Malhi
78. Abdullah Abd El-Majeed
79. Abdullah Al-Nahas
80. Abdel Karim Abdel-Maksoud
81. Ahmed Mourad
82. Ahmed Shahin
83. Awad Mohamed
84. Desoky Abu Issa
85. Jamal Khalifa
86. Khaled Fadel
87. Mohammed Abdul-Qasim
88. Mohammed Fiqi
89. Mohamed Hussein
90. Mohamed Gabr
91. Mohamed Gad El Rab Ibrahim
92. Akasha Abad
93. Osama Younis
94. Rafat Saad
95. Sami Alousta
96. Tariq Sharif
97. Ashraf Saleh
98. Hisham Rashid Abdel Mawla
99. Jama Imam
100. Kareem Abdul-Hamid Sadiq
101. Mohammad Hejazi
102. Mohammed Hindawi

103. Mohamed Ibrahim
104. Mohamed Kamel Mohamed Badr
105. Mohamed Mahmoud
106. Mohamed Mohamed Ahmed Awad
107. Mohamed Saad Abdel-Rahman
108. Mohamed Salem
109. Mohsen El-Sayed
110. Mostafa El-Sayed
111. Osama Fattouh
112. Walid Al-Rakeshi
113. Mohammed Mahdi Mohamed Attia