

Tawasol Organisation For Human Rights



Enforced disappearance in Egypt

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1- Introduction:

Enforced disappearance is a serious human rights violation that has been a longstanding issue in Egypt. The practice involves the arrest, detention, or abduction of individuals by state authorities or their agents, followed by a refusal to disclose the fate or whereabouts of the individuals.

In recent years, there have been numerous reports of enforced disappearances in Egypt, particularly targeting political activists, journalists, and human rights defenders. These individuals are often taken into custody without warrants and held incommunicado, without access to legal counsel or contact with their families. Some are subjected to torture and other forms of ill-treatment during their disappearance.

Families of the disappeared individuals face great anguish and uncertainty, as they are kept in the dark about the fate of their loved ones. Many have been left searching for answers for years, with little to no information provided by the authorities.

Despite international pressure and calls for accountability, enforced disappearances continue to occur in Egypt with impunity. The government denies the existence of the practice and has failed to investigate allegations of disappearances or hold perpetrators accountable.

It is crucial for the Egyptian government to address this grave human rights violation, investigate all cases of enforced disappearances, and bring those responsible to justice. The rights of individuals must be respected and protected, and the practice of enforced disappearance must be eradicated in Egypt.

Enforced disappearance is a crime that contains a lot of painful consequences

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experienced by the disappeared person. The effects of this pain extend to his\her family, friends and acquaintances. They all live in a state of anxiety, anticipation, and insecurity because they don't know where he\she is.

The pain is far more doubled when the enforced disappeared suffer from torture (beatings and electric shocks) during the illegal investigation to be forced to confess crimes he didn't commit.

For the sake of the severity of the crime of enforced disappearance, the UN International Convention for the Protection of Persons from Enforced Disappearance (CPED), in certain circumstances defined by international law, has made it a crime against humanity.

In Egypt, the crime of enforced disappearance continues to be denied by the authorities despite hundreds of complaints from relatives after their loved ones being arrested by police in uniform and plain clothes and in front of a crowd of witnesses.

The Office of the Public Prosecutor did not open a single investigation into these complaints. The prosecutors and some judges did not establish in the official records what the disappeared person suffered during the period of his disappearance prior to his indictment and transfer to the prosecution or trial.

There are also other cases of those who serve their sentences and when they finish them, they disappear again for a long time, then appear and are interrogated in other cases to be imprisoned again. Many citizens in Egypt have been subjected to enforced disappearance, torture and ill-treatment by officers and members of the police, the State Security Agency, and military intelligence to extract "confessions" of acts they did not commit nor have a connection with, and harsh sentences have been handed down against them, some of whom have been executed.

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The role of protecting citizens, as stipulated in the Egyptian Constitution and law, is not played by the police, nor by responsible authorities, especially the Public Prosecution. They are responsible for enforced disappearances in Egypt and are the perpetrators.

The crime of enforced disappearance, which is being carried out in an inhumane manner by the Egyptian authorities, should be dealt with by the world and by all those responsible to put pressure on the Egyptian authorities to desist from this crime, which amounts to a crime against humanity.

- The number of the forcibly disappeared in Egypt in **ten years** reached **16786** citizens, including all ages in Egypt.
- 65 citizens were extra judicially killed after their disappearance and the state claimed they were killed in an exchange of fire with the forces, despite their disappearance before this declaration.
- The whereabouts of some forcibly disappeared citizens in events such as the dispersal of the Rabaa Al-Adawiya, Al-Nahda sit-in and beyond, haven't yet been disclosed.

The following statistics show the crime of enforced disappearance in Egypt through the numbers that indicate that this crime was committed in a widespread and systematic way by the authorities in Egypt. The total number of enforced disappearances that we monitored from 2013 until **the end of 2023** is **16786** victims.

2-Enforced disappearance in Egyptian laws

The term enforced disappearance is not mentioned in Egyptian legislation as a term that expresses the cases of arresting persons and the failure of the authority

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to disclose their whereabouts, although it is a phenomenon that has become the origin in getting rid of the political opponents of the state, but the Egyptian legislator did not pay attention to it, but that this term is an international term contained in the Declaration on the Protection of All Persons from Enforced Disappearance adopted by the United Nations General Assembly in its resolution 47/133 of December 18, 1992 and then the issuance of the International Convention on the Protection of All Persons of Enforced Disappearance promulgated in December 2006 and not yet signed or ratified by

the Egypt, the latter of which has mentioned enforced disappearance in Article II thereof, which states that "For the purposes of this Convention, 'Enforced disappearance' means the arrest, detention, abduction or any form of deprivation of liberty carried out by agents of the State, or by persons or groups of individuals acting with the authorization, support or consent of the State, It is followed by a refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person, thus depriving him of the protection of the law."

1. No one shall be subjected to enforced disappearance.
2. No exceptional circumstance whatsoever, whether a state of war, the threat of war, internal political instability or any other state of exception, may be invoked to justify enforced disappearance.

3- Enforced disappearance in the Egyptian constitution

The legislator did not define the term enforced disappearance in the amended 2014 Constitution of Egypt and only included exceptions for infringement on personal freedom, emptying its provisions including the right to personal liberty

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from being a governing document to a mere legal regulation of arrest and imprisonment that barely establishes a minimum protection against enforced disappearance.

Article 54 of the amended Egyptian Constitution of 2014 stipulates that "personal freedom is a natural right, and it is inviolable and inviolable, and except in the case of flagrante delicto, no one may be arrested, searched, imprisoned, or restricted in any way except by a reasoned judicial order required by investigation.

Any person whose liberty is restricted must be immediately informed of the reasons therefor, informed of his rights in writing, able to communicate with his family and lawyer immediately, and brought before the investigating authority within twenty-four hours from the time of restriction of his liberty.

Interrogation shall be initiated only in the presence of his lawyer, and if he does not have one, a lawyer shall be assigned to him, and the necessary assistance shall be provided to persons with disabilities, in accordance with the procedures prescribed by law.

Anyone whose liberty is restricted and others shall have the right to appeal to the judiciary against such procedure and to decide on it within one week of such procedure, otherwise he shall be released immediately.

The law shall regulate the provisions, duration, and reasons for pretrial detention, and the cases of entitlement to compensation that the State is obligated to pay for pretrial detention or for the execution of a penalty under which a final judgment has been issued to annul the judgment under which it was executed.

In all cases, the accused may not be tried for crimes for which imprisonment may be carried out except in the presence of a lawyer who is a client or a

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delegate.)

Article 55 of the Constitution also stipulates that "Anyone who is arrested, imprisoned or whose freedom is restricted shall be treated in a manner that preserves his dignity, and may not be tortured, intimidated, coerced, physically or morally harmed, and shall not be detained or imprisoned except in designated places that are humanly and healthily decent. Violating any of the above is an offence punishable by law and the accused has the right to remain silent, and any statement that proves that it was made by a detainee under the weight of any of the foregoing, or the threat of any of it, is wasted and unreliable.

Article 54 creates a kind of protection against enforced disappearance by stipulating the right to personal liberty, but the same article creates two exceptions to this right, namely the case of flagrante delicto, and the requirement of a judicial order in cases other than flagrante delicto, although the second case remains to some extent on this protection.

Article 55 also creates a kind of protection against enforced disappearance by providing for the right to be detained in a recognized place of detention, by requiring that detention be in designated places and requiring standards for such places that may impede those involved in enforced disappearance .

4- Recommendations

- We call on the Egyptian government to sign and ratify the International Convention for the Protection of Persons from Enforced or Involuntary Disappearance.

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Documentary Human Rights Report

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This report was prepared for monitoring, documentation and advocacy purposes, based on the information available at the time of its preparation and in accordance with the principles of accuracy, verification, impartiality, independence and do no harm.

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