



Inter-Parliamentary Union

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Egypt

Decision adopted by consensus by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020) ¹



Mostafa al-Nagar © Photo courtesy of Belady U.S., An Island for Humanity

EGY-07 – Mostafa al-Nagar

Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity
- ✓ Impunity

A. Summary of the case

Mr. Mostafa al-Nagar allegedly disappeared in the southern governorate of Aswan on 27 September 2018. His family and lawyers have been unable to contact him or obtain information on his whereabouts. They fear that he might have been arbitrarily arrested and held incommunicado.

The complainants allege that Mr. al-Nagar was a symbol of the 2011 revolution and a vocal critic of the Egyptian Government during his parliamentary term, which lasted from 23 January to 14 July 2012, when the Egyptian Parliament was dissolved. In December 2017, he was fined and sentenced to three years in prison for "insulting the judiciary" in a speech he reportedly

Case EGY-07

Egypt: Parliament affiliated to the IPU

Victim: male, independent member of the House of Representatives

Qualified complainant(s): Section I.1.(a) and (d) of the [Committee Procedure](#) (Annex I)

Submission of complaint: February 2020

Recent IPU decision(s): May 2020

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: - - -
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter addressed to the Speaker of the House of Representatives (September 2020)
- Communication addressed to the complainants: October 2020

¹ The Egyptian delegation expressed its reservations regarding the decision.

delivered during a parliamentary sitting in 2012. In its ruling of 30 December 2017, the Cairo Criminal Court found that Mr. al-Nagar's statements at a parliamentary sitting in 2012 had been intended to defame and harm the judiciary and judges, and disregarded his parliamentary immunity. Mr. al-Nagar has not served his time in prison as he has remained in hiding, although it was clear to his family members where he was. He disappeared a few days before his appeal trial, which took place on 15 October 2018.

The complainants reported that, on 10 October 2018, Mr. al-Nagar's family received an anonymous telephone call informing it that he was in police custody at Aswan's Central Security Forces Al-Shallal camp. Despite Mr. al-Nagar's lawyer's request to the Egyptian authorities for an official response concerning his client's alleged detention in the Al-Shallal camp, no information was provided in this regard. Egypt's State Information Service denied playing a role in Mr. al-Nagar's disappearance and said, in an official statement issued on 18 October 2018, that he had wilfully disappeared to avoid serving his prison sentence, accusing him of being a fugitive.

The Egyptian Court of Cassation adopted a decision on 15 October 2018, in which the Court allegedly declared Mr. al-Nagar's appeal inadmissible and upheld the sentence against him *in absentia* because he had not been present at the proceedings and had not complied with a 2017 imprisonment order. In its decision, the Court of Cassation also found that it was not competent to examine the appeal, since the appealed decision was not final, as it had not been handed down by a "last degree" court. According to the Court of Cassation, it was still possible to challenge the 2017 decision before the Court of Appeal.

On 29 July 2019, the complainants filed a complaint at the Cairo Court of Administrative Justice against the Egyptian Ministry of the Interior for failing to disclose Mr. al-Nagar's whereabouts and failing to make serious efforts to locate him. In its decision handed down on 18 January 2020, the Cairo Court of Administrative Justice recalled the State's responsibility, and indicated that the State Information Service statement was insufficient. The Court noted that the State had a duty to locate disappeared individuals, especially when a complaint had been filed about their disappearance. The complainants indicated that the Egyptian authorities had not yet responded to the ruling of 18 January 2020.

During its virtual session held in October 2020, the Committee on the Human Rights of Parliamentarians invited the Egyptian authorities for a hearing. The parliamentary authorities had initially accepted the Committee's invitation. However, due to the parliamentary elections, the authorities were unable to meet with the Committee.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Mr. Mostafa al-Nagar, a member of the Egyptian Parliament at the time of the initial alleged violation of his parliamentary immunity and right to freedom of expression, was declared admissible by the Committee on the Human Rights of Parliamentarians under its procedure on 29 May 2020;
2. *Thanks* the Egyptian parliamentary authorities for their willingness to meet with the Committee for a hearing; *regrets*, nevertheless, that such a hearing did not take place; *points out* that the Egyptian authorities have yet to share their views about the case, despite several previous requests;
3. *Is deeply concerned* by the alleged disappearance of Mr. al-Nagar since 2018 and the absence of any measures taken by the authorities to investigate his disappearance despite the complainants' repeated requests; *questions* why the Egyptian Government is unable to locate Mr. al-Nagar considering that he was under surveillance, as alleged by the complainants; *considers* that Mr. al-Nagar's alleged disappearance should be taken seriously by the authorities regardless of his conviction and the fact that he did not serve his prison sentence;
4. *Stresses* that the State of Egypt is duty-bound to do everything possible to find Mr. al-Nagar and that by not taking any measure to locate him under the pretext that he is a fugitive, the authorities are wilfully denying justice to his relatives, who have the legitimate right to know about his fate, and are giving weight to the complainants' allegations that they are partly or wholly responsible for his disappearance; *stresses* that the authorities have yet to provide

convincing evidence to refute the allegation that Mr. al-Nagar is being held incommunicado;

5. *Urges*, therefore, the authorities, in particular the Ministry of the Interior, to take appropriate measures to locate Mr. al-Nagar in accordance with the decision of the Administrative Court of Justice issued in January 2020 and to start a genuine and effective investigation into his disappearance; *wishes* to be kept informed as a matter of urgency about steps taken in this regard;
6. *Is concerned* that Mr. al-Nagar's conviction seemed to be in violation of his parliamentary immunity and hindered the legitimate exercise of his parliamentary mandate; *wishes* to receive copies of the decisions of the Cairo Criminal Court and Court of Cassation of 2017 and 2018 respectively;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants, the Minister of Justice, the Minister of the Interior and any third party likely to be in a position to supply relevant information on the whereabouts of Mr. al-Nagar;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.