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Egypt

Decision adopted by the Committee on the Human Rights of Parliamentarians under Rule 12(4) of its Rules and Practices (Geneva, 29 May 2020)



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 delivered during a parliamentary sitting in 2012. In its ruling of 30 December 2017, the Cairo Criminal Court found that

Case EGY-07

Egypt: Parliament affiliated to the IPU

Victim: male, independent member of the House of Representatives

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

Submission of complaint: February 2020

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

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

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 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.

B. Decision

Pursuant to Rule 12(4) of its Rules and Practices, the Committee on the Human Rights of Parliamentarians

1. *Notes* that the communication was submitted in due form by qualified complainants under section I.1.(a) and (d) of the Procedure for the examination and treatment of complaints (Annex I to the Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the communication concerns a member of parliament at the time when his parliamentary immunity and right to freedom of expression were allegedly violated, and that his trial, and possibly his disappearance, are directly related to these alleged violations and his work in parliament;
3. *Notes* that the communication concerns allegations about enforced disappearance, failure to respect parliamentary immunity, the alleged violation of freedom of expression, and threats and acts of intimidation, allegations which fall within the competence of the Committee;
4. *Considers*, therefore, that the communication is admissible under its Procedure for the examination and treatment of complaints and *declares itself* competent to examine the case.