



The  
Freedom  
Initiative

# The Tip of the Iceberg:

**The Impact of Egypt's Wrongful  
Detention Practices on US Persons  
and Families in 2020**

A RESEARCH REPORT BY THE FREEDOM INITIATIVE

*In Loving Memory of*



# **MOUSTAFA KASSEM**

**02/11/1965 - 01/13/2020**

This report is dedicated to the memory of Moustafa Kassem, an American citizen who died in Egyptian prison on January 13, 2020, far away from his family and his loved ones. Moustafa committed no crime; he was arrested by chance and died of neglect, denied critical medical care as he carried out a hunger strike in protest of his unjust detention.

Moustafa was a father, husband, and part of a large and loving family in both New York and Egypt. He was like so many of us: an American who sought a better life for himself and his children, in a country where he was promised inalienable rights. We hope that this report and all of our work at the Freedom Initiative may succeed where we failed him, in advancing the cause of liberty and justice for all.

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# FOREWORD



This year began with promising signs for a rebalancing of the longstanding partnership between Egypt and the United States. On January 20, 2021 the world watched the inauguration of the United States' 46th president, Joe Biden, who made strong campaign promises to restore faith in American values and stand against dictatorship. Less than a week later, January 25 marked the ten-year anniversary of the Egyptian revolution—one that upended every prominent narrative on authoritarianism's promise of stability.

These two moments provided a glimmer of a new way forward in the Egyptian-American relationship, a possible change in a status quo that has seemed to accept the incalculable losses suffered by the Egyptian people at the hands of an increasingly repressive government as an unsavory reality. Cairo's position as willing partner in the global war on terror and its commitment to maintenance of America's regional interests meant that, despite consistent condemnation, human rights violations may be denounced, but they will not be a deterrent. Unfortunately, this approach has also facilitated a climate of impunity, and where abusers know they will face no repercussions, they become more and more emboldened. For Egypt, the war on terror has simply been used as a smokescreen to crush peaceful dissent.

It is thus sadly no surprise that the cost of this abuse is felt the world around, and that, as we at the Freedom Initiative show with this report, the US is no exception. The report offers a clear, in-depth look into how Egypt's continued backslide into the abyss of authoritarianism is no longer the concern of a faraway government, but now one felt every day by American families. Through interviews with former detainees and family members, the report captures the often-unseen nightmare that so many have had to endure when they or their loved ones are detained—often through no fault of their own. The wide variety and scope of the cases presented here paint a clear and compelling picture that Egypt's repression transcends bounds of nationality, identity, profession, or age, and that the Egyptian regime is prepared to reach anyone, anywhere with its tyranny.

The report also prompts a compelling argument that while Egyptian and American leaders may praise the other as an ally, Egypt continues to define what shared interests and values are—accepting American funding for its war on terror on one hand and treating peaceful Americans as adversaries in this same war on the other. The irony is not lost here, and the report provides ample cause to re-think the value of “national security” policies that keep Americans and their families wrongfully detained.

As members of this board know all too well, many in the international community have maintained business as usual as the Egyptian government first imprisoned its political opposition, and then any critics, and now has broadened its repression to any who voice independent views or thoughts—all in the name of the same “national security.”

It is our goal at the Freedom Initiative to provide victims of wrongful detention and rights abuse with the platforms and tools to tell their stories, and to provide policymakers the information and impetus to do all they can that these stories are not repeated. With this report we finally share the recommendations we believe will ensure that 2021 and the years to follow continue the auspicious path on which they began.

**Thank you,**

*Michele Dunne*



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# EXECUTIVE SUMMARY

This report, the inaugural report of the Freedom Initiative (Fi)'s newly-formed research department, investigates the impact of Egyptian detention practices on US persons and their family members in 2020.

The results of the research are clear: the impact of Egypt's abusive detention practices is not felt only within its own borders. Transnational in nature, Egypt's widespread and systematic campaign of arrest, imprisonment, and abuse reaches Americans on their home soil. This report outlines the details of some of these cases, the impact on American lives, and the policies and resources available to mitigate this impact.

The report is based on research conducted by examining cases of US persons—defined here as American citizens, legal permanent residents, or resident visa holders—through extensive review of legal, personal, or publicly-available documents, informational interviews with former detainees or family members of detainees, and consultation with experts. The research examined 26 cases of US persons who were detained or had family members detained in 2020, and it also identified eight emblematic cases to further explore through in-depth, semi-structured interviews.

## CASES

**We identified several types of cases, which were not mutually exclusive. (Several cases were former detainees with family members detained in hostage-taking for instance.) These included:**

# 11+

### wrongfully detained

At least eleven US persons were wrongfully detained throughout 2020. Of these, Moustafa Kassem died of medical neglect in prison on January 13, a death that was described as “needless” by US government officials. After his death, two US citizens returned to the US, and another legal permanent resident returned to the US later in the year. Five US persons remain wrongfully detained at publication of this report, and at least three are banned from travel.

# 5+

### Hostage-taking

At least five US persons reported reprisals, where their Egyptian family members (totaling at least 26 individuals in 2020) were detained as a method of coercion to pressure them to cease their exercise of protected rights in the United States. In several instances these “hostage-taking” tactics were paired with explicit threats made by Egyptian intelligence officers to persons in the US.

# 12+

### Family members detained

Our research documented more than a dozen cases of American citizens whose immediate family members were held in detention throughout 2020, though we believe the actual number to be far higher due to further evidence discovered during our research interviews.

# IMPACT

Respondents described a variety of ways in which Egypt's detention practices impacted their lives in the US, including their security, social ties, finances, and mental health:

Most respondents feared for their own safety and security or the safety and security of their loved ones in Egypt. In at least one case, prison authorities directly threatened a US citizen upon release from prison, making clear that the individual's public or private statements to policymakers would result in harm to family members; two individuals described receiving personal threats while in the US, either through threatening calls to US phone numbers or direct confrontation from suspected Egyptian security agents while in the US.



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Respondents described how threats to their safety and security prevented them from fully enjoying their rights in the US, where they felt afraid to freely express themselves and their views. Respondents described adjusting behavior or censoring speech in the US for fear of repercussions from Egyptian authorities.

The impact of detention damaged family and other social ties, particularly for respondents facing reprisals. Family members in Egypt refused to take calls from or engage on social media with their family members in the US for fear of arrest or harassment.



Respondents described difficulty in maintaining social ties even after reintegration in the US, due to a persistent fear of surveillance, isolation from American peers and society unfamiliar with the context of detention, or a perceived stigma around detention.

Some respondents could no longer participate in professional life or schooling due to their detention or the detention of their loved ones; other respondents reported that the experience was a catalyst in their decision to take up activism or careers in human rights.

All respondents described symptoms of mental health crisis or trauma. These included a preponderance of nightmares, suspicious thoughts, stress-related illness, depression, anxiety, or other; these symptoms were also experienced by other members of the family in the US, including children.





# AVAILABLE SERVICES

Several government bodies and civil society networks provided support to US persons dealing with detention in 2020:

- **The US Embassy In Cairo**

provided consular services to American citizens in detention, though respondents reported that these were infrequent, at times in the presence of Egyptian authorities, and did not always extend to family members or other US residents.

- **The Department of State**

particularly through the Bureaus of Near East Affairs and Democracy, Human Rights, and Labor, engaged in public and private diplomatic efforts to secure fair treatment or prisoner releases, with varied success. These efforts did not necessarily extend to all cases of US persons or family members detained, though were reported for known cases of US citizens or legal permanent residents.

- **The Special Presidential Envoy for Hostage Affairs (SPEHA)’s**

mandate to provide services to “wrongful detainees” meant that cases of US citizens did have access to SPEHA, though a lack of clarity on the definition of wrongful detention, and the fact that these detentions did not represent any violation of US law, meant that families were not always availed the same resources as those whose family members were held in detention by non-state actors.

- **Congressional offices**

provided support on a case-by-case basis where constituents approached them with concerns. These varied widely by office, depending on the prominence of the case, the politics of the office, or the office’s structure and assignment of the case (to case workers and/or foreign relations staff).

- **Congressional committees**

with foreign affairs or appropriations mandates also showed an interest in cases of US persons wrongfully detained in Egypt. Particularly after Kassem’s death, discussions on conditioning foreign military financing on prisoner releases gained traction; language in the appropriations act for fiscal year 2021 included these conditions.

- **Civil Society**

provided services ranging from advocacy and representation support to orientation to mental health care providers for returning detainees. Where civil society publicly addressed issues of wrongful detention, Egyptian state-aligned media slandered members; this raises further concerns about threat of reprisals against American civil society workers with ties in the US and Egypt’s attempts to curtail rights work on US soil.

# FINDINGS

1

There was no single profile of a detained US person or single cause for detention, but a diversity of experiences and backgrounds. This research documented cases of women, men, Coptic Christians, Islamists, Quranists, nonreligious persons, political dissidents, advocates, youth, and elderly among the cases of wrongful detention.

5

The experience of dealing with Egyptian detention while in the US raised unique concerns, with respondents describing the difficulty of navigating multilayered threats (being Muslim, Arab, and a political asylee), or the difficulty of isolation where American friends, colleagues, or romantic interests did not understand the circumstances of detention.

2

Individuals whose family members were detained and had a known affiliation with the Muslim Brotherhood described additional obstacles in garnering public support and these were more likely to remain silent regarding their family members' detention.

6

Respondents described situations in which authorities in the Egyptian security services (police or prison officials) treated those with US affiliation as though they were citizens of or agents of a political adversary.

3

In some cases, patterns of detention or threat of detention were reported for decades, but almost all respondents reported a worsening situation since 2013.

7

Cases of reprisals represented very clear efforts by the Egyptian government to directly curtail protected rights and freedoms within US borders, and some respondents described feeling unsafe even in the US.

4

Counter-terrorism laws were primarily used to justify wrongful detentions of US persons. US support for Egypt's declared "war on terror" and efforts to declare the Muslim Brotherhood a terrorist organization circulated throughout 2020, at times sending conflicted or complicated signals about good faith efforts to secure releases

8

Respondents expressed fears about speaking to policymakers or in public venues, and so expressed a sense of apathy around policymaker engagement. Several expressed believing that policymaker or public engagement would bring further harm to their loved one or was futile.





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# INTRODUCTION

Current estimates place the number of detainees held in Egyptian prisons and detention centers at over 120,000; a majority of these have faced violations of their rights to have fair representation in court, to have a fair trial, or to be held in humane conditions, regardless of the allegations against them. Some estimates indicate that over half of the total prison population in Egypt are held under politically motivated charges. Further, Egypt's practices of arbitrary detention—depriving individuals of their liberty even though they have committed no crime—are notorious. Throughout Egyptian detention centers, prisoners face horrendous conditions, including torture and medical neglect, and even when released may still be subject to onerous restrictions, including travel bans.

Each one of these prisoners represents not only a number, but a unique, personal, and often deeply traumatic experience. Each one of them comes from a family and a community whose lives are changed when their loved one is put unjustly behind bars. As the number of detainees in Egypt has grown significantly since 2014, and particularly as Egyptian detention practices and rights violations have become more abusive over the past decade, the impact of these practices is felt throughout not only Egypt, but the entire world.

The United States is no exception. With a large community of Egyptian-Americans residing in the US and given the historically close ties between both governments, Egypt's detention practices have become increasingly more appalling to the US government and its citizens. US Congress has issued Congressional letters, one signed by 56 lawmakers in October 2020, that strongly urged President Abdel Fattah Al-Sisi to immediately release “human rights defenders, lawyers, political activists, and other prisoners of conscience.” Again, in November 2020, 37 US Senators, Congressmen, and Congresswomen sent a letter to Al-Sisi strongly urging him to “unconditionally release the detained staff members of the Egyptian Initiative for Personal Rights (EIPR),” citing concerns over “conditions in Egypt's prisons, including allegations of mistreatment and torture,” and the “needless deaths of people in custody, including U.S. citizen Mustafa Kassem.” In addition to several media reports, then Presidential candidate Joe Biden referenced an Egyptian American case where Egyptian security forces raided the home of the activist making several arrests. Biden publicly stated, “arresting, torturing, and exiling activists” and “threatening their families is unacceptable,” all while campaigning during the 2020 Presidential election.

This report seeks to capture these experiences, exploring the impact of Egyptian detention practices on US persons and their family members throughout the year 2020. In conducting research for this report, we discovered that the detention of any individual impacted several family or community members in the US; every family member we interviewed described yet more family members or other families impacted by detention. The interviews and cases we were able to include were just the tip of the iceberg; we believe that the real impact on US persons is much more widespread than we were able to capture here. We believe this should cause policymakers to consider this a domestic policy issue as well as a foreign policy one.

Because our ongoing casework has provided numerous examples whereby US policymakers—whether at the local embassy level or in the various branches of government based in Washington, DC—have ample opportunity for engagement with Egyptian government counterparts (who have vested geopolitical interest in censoring or repressing accounts of wrongful detention or torture), this report provides a critical opportunity to hear from victims directly.

Our hope is that this report will establish the American experience with Egyptian detention, to solidify this as a transnational experience, and to identify areas where the US government and civil society organizations can better serve US persons dealing with detention or reintegration.

# RESEARCH METHODOLOGY

## Defining Wrongful Detention of US Persons and Their Family Members

To capture the impact that Egyptian detention practices have within US borders, this research examines cases of individuals connected to the US who had firsthand experiences with wrongful detention in Egypt throughout the year 2020. The research adopted the terms “US persons,” “family members,” and “wrongful detention” as starting points to reflect the terminology that is used in US government policies.

The term “US person” has different meanings in different contexts in US law and policy, which generally refer to an American citizen or legal permanent resident, but which at times may also include corporate entities. A failed amendment to the National Defense Authorization Act (NDAA) of 2020, proposed by Representative Tom Malinowski (D-NJ), would have required a report on the government of Egypt’s arbitrary detention of, violence against, or state-sponsored harassment of American citizens and their immediate family members, where immediate family members as defined to be the smallest family unit. This amendment explicitly referenced the Arms Export Control Act (22 U.S.C. 2756), which forbids any export licenses to any country engaged in “a consistent pattern of acts of intimidation or harassment directed against individuals in the United States [emphasis added].” This report thus adopted a broad definition of US persons that would allow for capture of cases that adhered to the various definitions in US law: any US citizen, legal permanent resident, or resident visa holder.

In assessing impact of wrongful detention on American families, rather than adopt a strict definition of immediate family members, this report also references families that extend beyond the nuclear family, but may include aunts, uncles, cousins, or kin by marriage. We chose this definition to better reflect the cultural specificity of family dynamics and kinship relations in the Egyptian context.

The report has also adopted the term “wrongful detention” to mirror language used in the US Department of State through its Special Presidential Envoy for Hostage Affairs (SPEHA), the office tasked with working on cases of Americans detained by a foreign government in violation of their rights. The SPEHA’s conditions for determination of wrongful detention were not publicly available in 2020, causing confusion among families of detainees and suspicion that strong diplomatic ties may influence determination. However, with the passage of the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act in late 2020, Congress defined a set of criteria to make classifications on cases of wrongful detention, which include cases of detention where the individual is presumed innocent, where their detention is directly related to their American nationality, or where they are detained in violation of their fundamental rights and freedoms, among other criteria. This report uses “wrongful detention” to indicate a case where deprivation of liberty occurs in violation of an individual’s protected rights and freedoms under international law, whether as the cause of their initial detention or their continued detention. This definition also adapts from the definition of “arbitrary detention” from the United Nations Office of the High Commissioner on Human Rights (OHCHR) in that it considers “elements of inappropriateness, injustice, lack of predictability and due process of law.” We note here the many credible reports that such violations are endemic throughout the Egyptian judicial system that makes the exact number of such cases difficult to pinpoint, but which some rights groups suggest number upwards of 65,000 individuals.



## Case Studies and Challenges

The report is based on eight extended, semi-structured interviews with former detainees or their family members (referred to as “respondents” in the report), as well as review of case documentation for 17 additional cases of US citizens, legal permanent residents, resident visa holders, or family members (referred to as “cases” in the report); case documentation may refer to official court documents made available by individuals or their lawyers or background or informal interviews with individuals, their lawyers, or their family members. The report also draws from expert consultations with civil society organizations working to represent detainees, to advocate on their behalf, or who work on more general human rights issues.

The 25 cases reviewed for the report represent an available sample of known cases of US persons impacted by Egyptian detention practices in 2020 but is not by any means comprehensive; throughout the course of research, additional cases were identified or referenced. Determining the number of American citizens for instance, was relatively straightforward, and we identified eleven cases of US citizens wrongfully detained in Egypt throughout the year. Many cases of legal permanent residents or other visa holders are not as evident; we identified an additional five legal permanent residents held in detention during this period (of which one was released and five remain in detention). Similarly, many of the individuals whose cases were examined had extensive family ties in the US, and several American citizens had multiple family members detained in Egypt. Furthermore, at least one US citizen held in detention in 2020 also had family members detained. In total, we identified at least 12 families that had at least one American citizen as a member, and at least one family member in Egypt. Finally, we identified three cases of travel bans against US persons, including American citizens who have not been able to return to the US.

Among the 25 cases, we identified representative cases to explore through in-depth, semi-structured interviews. These included seven US citizens and one resident visa holder, comprising three women and seven men, with ages ranging from 23 to over 65 years of age. These included individuals representing three inclusive categories of targeting (wrongful detention of a US person, wrongful detention of family members as an act of reprisal, and wrongful detention of family members not related to reprisals, elaborated in the ensuing section).

In identifying cases to include for interviews, we faced several challenges. We encountered several cases where individuals were concerned that any participation or attention to their case or that of their loved one may result in further reprisal or targeting from the Egyptian government. We also encountered at least two cases in which the individual experienced symptoms related to the trauma of detention that were so acute that they were not able to discuss their experiences without serious risk of consequence to their mental health (retraumatization), and so we did not include these as interviews.

# Interview Practices

All interviews were conducted remotely, using end-to-end encrypted platforms. Interviews were conducted in English or Arabic, depending on the comfort of the respondent. All interviews were held between January and April 2021. Interviews were semi-structured, with sets of questions probing:

Circumstances around and conditions of detention

Knowledge and utilization of available government or civil society services; and

Financial, psychological, social, legal, or other enduring impact.

The research conducted for the report adopted a victim-centric approach to ethical interview practices. This included an emphasis on trauma sensitivity in conducting interviews, which was developed in consultation with experts in the field of global mental health. Researchers working on the project attended trauma sensitivity training prior to conducting interviews. Respondents were given the option to consent to identification in the report, in which case we have used full names, or to remain anonymous.

# ESTABLISHING CASES

This research identified three categories of US persons impacted by detention throughout the year 2020. These categories are not mutually exclusive:

## CATEGORY 1:

At least eleven citizens, legal permanent residents, or resident visa holders who were detained throughout 2020, and at least three banned from travel in violation of their freedom of movement;

## CATEGORY 2:

At least five citizens, legal permanent residents, or resident visa holders whose Egyptian family members (totaling at least 26 individuals) were detained as a reprisal for their exercise of protected rights in the United States;

## CATEGORY 3:

More than dozen cases of American citizens whose immediate family members are held in detention, though we believe this number to be far higher due to the number of new cases that were referenced during our interviews.

While these three categories represent distinct experiences, there were many characteristics that were shared across categories. The preponderance of enforced disappearance, for instance, was noteworthy, with six out of eight respondents describing either personally experiencing or having a family member experience enforced disappearance throughout 2020; among the cases examined, detainees were enforcedly disappeared as little as overnight to over 11 months.

This included cases where individuals were detained by authorities but underwent lengthy periods incommunicado before appearing in front of a prosecutor; the whereabouts of Reda Abdelrahman, whose family members Sherif Mansour (Sherif) and Dr. Ahmed Subhy Mansour (Dr. Ahmed) are US citizens and were interviewed for this report, were unknown for a period of 44 days after his detention in late August. Eventually, Reda appeared in front of a prosecutor and was added to Case 3418 for 2020 of Kafr Saqr Misdemeanors State Security Prosecution, a case to which three of Reda's US citizen family members were also added. In other cases, individuals were forcibly disappeared, but subsequently released and never added to a case; one respondent described this happening to family members at regular intervals throughout the year. In the case of US citizen Mohamed Soltan (Soltan, who is also the president of the Freedom Initiative), his father, legal permanent resident Salah Soltan, was disappeared from prison, where he is currently serving several consecutive sentences; his whereabouts remain unknown.

A lack of access to health care was also reported as a major concern throughout 2020, particularly given the risk of exposure to the COVID-19 virus in Egypt's prisons, which are notoriously overcrowded, poorly ventilated, and unsanitary. This concern was furthered by prominent deaths in detention, including of US citizen Moustafa Kassem on January 13, 2020. After engaging in a hunger strike in protest of his continued detention, Kassem was denied appropriate medical treatment in a timely manner, and he died of complications related to his hunger strike. Kassem suffered from diabetes and heart conditions that went untreated during his time in prison; at least two additional family members of US citizens died in detention in 2020.

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### **Kassem suffered from diabetes and heart conditions that went untreated during his time in prison; at least two additional family members of US citizens died in detention in 2020.**

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Detainees described the challenges associated with accessing medical or sanitary supplies, noting that prison guards barred medicines with English-only labels as “contraband” due to their inability to read the text; detainees also reported that they were denied access to sanitary products while menstruating. Despite calls from international bodies, including the World Health Organization, Egypt did not facilitate prisoner releases due to the pandemic. One respondent noted that one of their family members contracted COVID while in prison and reported the absence of any precautionary measures or medical attention, and at least one other US person contracted COVID-19 while detained.

Investigations into charges related to Egypt's anti-terrorism laws were preponderant among the cases. In every case where prosecutors provided information around allegations or where charges were brought, the individuals were detained based on anti-terrorism laws. This was the case regardless of political ideology, religious practice, or circumstances of arrest. Despite this, and despite that Egyptian officials often deny that any political prisoners are held in the country, the practices within Egyptian prisons suggest different treatment for different prisoners, and this was no different for US persons. Both former detainees and family members of current detainees reported that cases were handled by representatives of Egyptian Homeland Security, typical of “political” cases, whereas others are handled by Ministry of Interior prison officers. At least one respondent reported that a family member was placed in a call with violent extremists as a form of intimidation and punishment.

# **CATEGORY 1:**

## **US Persons in Detention in Egypt**

The Freedom Initiative documented the cases of eleven US persons wrongfully detained in Egypt throughout 2020, and at least three US persons held on travel bans. Of the eleven individuals detained, Kassem passed away in detention; four individuals, including three US citizens and one permanent resident, were released; and six remain in detention. At least three of those held in detention—legal permanent residents Ola Qaradawi, Hossam Khalaf, and Salah Soltan—were held in solitary confinement for the entirety or near entirety of 2020. Others were held in severely overcrowded cells, especially prevalent in sorting cells where respondents spent between 14 to 40 days before being moved to more permanent detention cells. During these periods, detainees were denied visitation and time outside of the cell to exercise.

While in detention or afterward, many individuals preferred not to make their detentions public, or preferred not to make their US affiliations public. This decision was often related to the belief that public advocacy or awareness campaigns, particularly where tied to US government advocacy, may have negative implications for the likelihood of release, or for treatment while in detention. One former detainee noted that holding US citizenship enticed both interrogators and officers to further violations, even taunting the detainee that citizenship would not offer any protection against physical abuse.

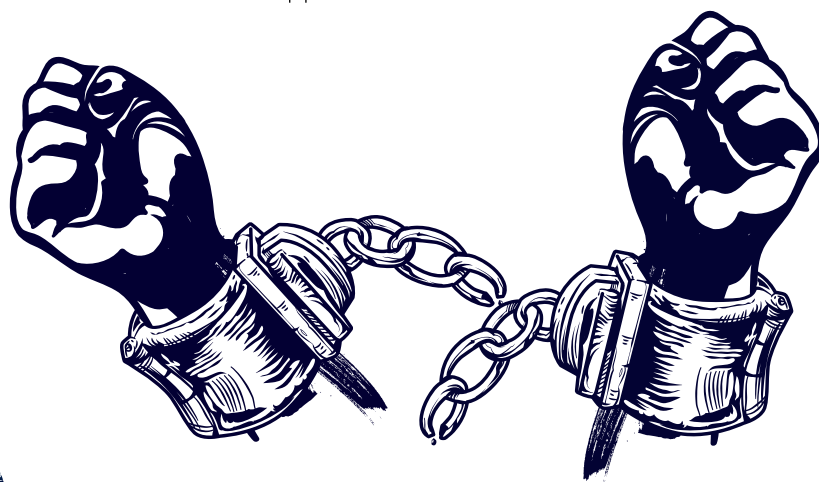
# CATEGORY 2:

## Reprisals against US Persons

Throughout 2020, Egyptian authorities engaged in a practice of using detention as a means of reprisal against US persons who expressed views critical of the government, in support of human rights, or who were otherwise vocal about the political or social conditions in Egypt. These reprisals most often took the form of detention of family members as a hostage-taking tactic, where, either by explicit declaration or implicit suggestion, those in the US understood that their family members might be released if they ceased their activity or speech. In all cases documented for this report, the US persons facing reprisals were engaging in speech or acts protected by the US constitution and international law.

Soltan faced reprisals for his pursuit of a lawsuit against former Prime Minister Hazem Beblawi, who was in office for the period in which Soltan was tortured in detention; both Beblawi and Soltan resided in Virginia at the time the suit was filed. Upon publicizing the suit, Soltan's uncle and seven of his cousins were arrested and his father, already serving a sentence, was disappeared; his whereabouts remain unknown. Soltan reported that he had faced reprisals "very early on" in his human rights work, noting that his father had been previously disappeared in 2015, after Soltan spoke at a hearing for the Tom Lantos Human Rights Commission; his father received daily beatings at that time and was told that they were "because of what [his] son was doing." In addition to the detention of family members, Soltan also described physical encounters with what he believed to be agents of the Egyptian government on US soil, including at commercial shopping centers in 2017 and 2019. He also described a phone call that took place in November 2020 to his mobile phone in the US, where an Egyptian intelligence officer threatened that he and "anyone [he] interacts with" will be "fucked"<sup>xxiii</sup> should he continue his rights work.

Sherif Mansour, MENA Coordinator for the Committee to Protect Journalists, and his father, Dr. Ahmed Subhy Mansour, an Islamic scholar and prominent leader of the Quranists,<sup>xxiv</sup> faced reprisals for their work on press and religious freedom, respectively. Nine members of their family in Egypt were detained in August 2020, including Reda, who is also a Quranist and who is held in his third period of detention. Both Sherif and Dr. Ahmed reported a long history of being targeted in Egypt, leading to their emigration to the US, where they sought political asylum after 2001. Dr. Ahmed was twice detained for his religious writings and beliefs as a Quranist, as well as many of his followers and family members, with his first detention dating back to 1987. Dr. Ahmed's brother Abdellatif, who now lives in the United States, was arrested and tortured for having transcribed some of his brother's books in 2007. Sherif was first detained at 17 ("for nothing more than being my father's son") and sentenced in the infamous 2013 NGO trial. His conviction was overturned on appeal in 2018.





Today, Dr. Ahmed, Sherif, Sherif's younger brother, and Reda are all listed in an ongoing terrorism case. The family's Ahl al Quran website has been hacked, with all of the content related to Dr. Ahmed's beliefs and teachings taken down from the site by a third party; after consulting with a forensic specialist, the family believes this is the work of the Egyptian government. Dr. Ahmed explained: "I enjoy freedom of speech here [in the United States,]...but because of my writing against Sisi, he kept my family members as hostages...they are holding Reda hostage to make me stop writing."

Aly Hussein Mahdy, a social media influencer and asylee based in Chicago, IL, also reported the disappearance and detention of his father, uncle, and cousin in January and February 2021, after he published videos in calling for protests in the diaspora commemorating the tenth anniversary of the Egyptian revolution.<sup>xxv</sup> After over 30 days

of enforced disappearances, his family members appeared in Borg Al Arab prison in Alexandria.

Aly's father was reportedly tortured to the extent that he lost functionality in his right leg. His uncle and cousin were also tortured and electrocuted. The arrests came days after state-owned media publicized Aly's calls for protest and dubbed him a threat to national security.

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**I enjoy freedom of speech here [in the United States,]...but because of my writing against Sisi, he kept my family members as hostages...they are holding Reda hostage to make me stop writing**

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One other respondent also described a series of arrests of four family members throughout 2020, though none of these appeared before the prosecution to be added to cases. The respondent explained that during detention, the family members were directly questioned about free speech activity that the family engaged in from the US and subsequently were released without charge. Due to fears of escalated repression, the respondent and the US-based family have not publicly disclosed these reprisals. "We worry that if we are too obvious, they will be added to a case," the respondent explained.

In all cases of reprisals, respondents described a similar pattern: authorities would arrive at the home of key breadwinners in the family, regardless of their political participation or degree of intimacy with the individual they sought to threaten in the US. The intent was assumed to cripple the family by detaining those who were in support roles, placing additional pressure on the US person. In the event that key breadwinners were not at home, authorities would apprehend any available men, moving from home to home to detain any who were present. Families also reported instances in which state authorities seized phones and laptops as evidence and refuse to return them to families. In at least one instance raiding officers requested that family members restore devices to factory settings; the family believed this was done to steal the devices, as the modification deletes all data on the device.

## **CATEGORY 3:**

### **Family Members in Detention**

Determining the number of US persons who have family members in detention in Egypt presents several obstacles. The sheer number of individuals affected is difficult to count. Cases referenced in previous categories often included a vast network of family members in the US; the Mansour family counts 27 members in one US state alone. Many other Egyptian detainees have family members who are US citizens or legal permanent residents, but where US ties are incidental to the wrongful detention.

Ola Qaradawi and Hossam Khalaf, for instance, have a daughter and grandchildren who are US citizens, though their detentions are understood to be a means of reprisal against Ola's father, a Qatari-based preacher affiliated with the Muslim Brotherhood. In other cases, detention is related to an Egyptian national's speech or activities in Egypt, though the individual has family in the US; this is the case of Palestinian-Egyptian Ramy Shaath, who was detained for his human rights organizing and who has a large family of US persons who have been active in advocating on his behalf.<sup>xxxvi</sup>

While many of these family members choose to be vocal in advocating for their loved ones' release, others prefer to engage only in private advocacy efforts, to play a supportive role behind the scenes, or to refrain from any advocacy or awareness campaigns altogether, making their numbers difficult to assess. The reason for choosing to remain anonymous or to refrain from engaging on a family member's behalf was usually related to fears that public engagement would garner negative attention from the Egyptian authorities and prolong detention, lead to abuse while in prison, or cause other negative repercussions. Thus, many families remain unknown, though each respondent reported additional family members, or other families, impacted in the US. "This is not something unique to our family. We hear about it all the time..." one respondent declared.



# EVALUATING THE IMPACT

## of Egypt's Detention Practices on US Persons

### Security and Safety

**Most participants who had personally experienced detention or who faced reprisals for their free expression reported continued threats to their own security and safety or to that of their loved ones. This was reported upon release from prison and in several cases persisted upon return to the United States. These took several forms:**

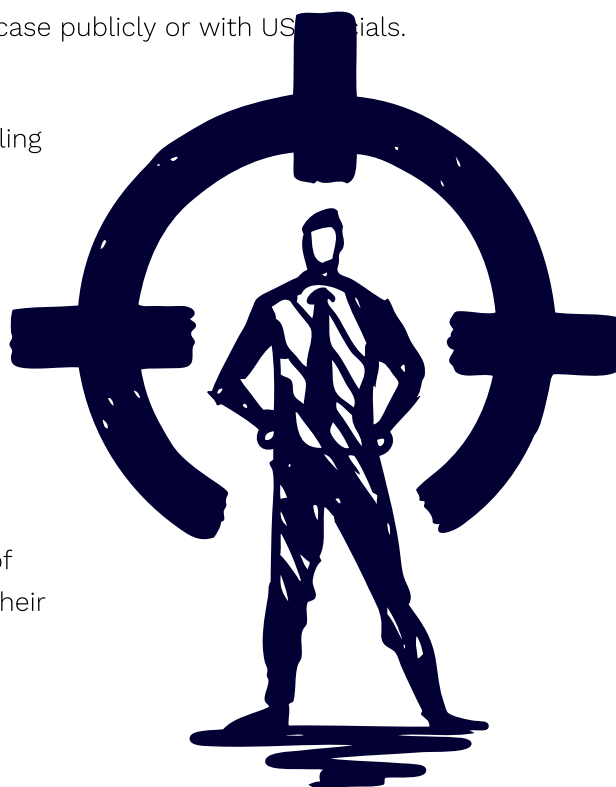
Upon release, prison authorities threatened an individual or family members if US officials inquired about the cases or if case was raised publicly. One respondent explained: "Upon my release from prison, an officer said: 'You're eventually going to come back [to Egypt]...if you say anything publicly between now and then, there will be repercussions.'" The officer continued, "Once you're in the US, media outlets will reach out to you. If you say anything negative about how you were treated, do as you please. Just know, though, that your siblings are here and so is your extended family." The respondent confirmed that the family members living in Egypt "were surveilled and intimidated by authorities" after the respondent returned to the US. "All they cared about is that I remained quiet when I came to the States." In assessing impact of wrongful detention on American families, rather than adopt a strict definition of immediate family members, this report also references families that extend beyond the nuclear family, but may include aunts, uncles, cousins, or others. We chose this definition to better reflect the cultural specificity of family dynamics and kinship relations in the Egyptian context.

For those still in prison or under travel ban, individuals faced threats of maltreatment, abuse, or prolonged detention if their families raised the case publicly or with US officials.

Two individuals reported receiving threatening phone calls while in the US from individuals calling on behalf of Egyptian intelligence agencies and which explicitly threatened their safety and the safety of their loved ones.

Authorities continued intermittent periods of arbitrary detention of family members as described in the previous section, which continue to this report's publication.

Individuals described suspicion of or evidence of digital surveillance and attempted hackings of their devices and personal accounts.



Respondents described how these threats impeded their ability to fully enjoy their rights and freedoms in the US. Soltan explained that he had changed his behavior, avoiding public gatherings where he may risk placing associates in danger if publicly filmed and surveilled. Other respondents reported self-censorship, carefully selecting words and sentiments when posting to social media or speaking to individuals they did not know well. “Everything is a calculus, everything action comes with a price” Soltan explained. “I have to be less social because I am afraid to put anyone in harm’s way.”

Sherif shared a similar sentiment: “Asylum is futile without the freedom to speak...”

## Erosion of Social Ties

Participants emphasized the negative impact that detention had on social ties maintained between Egypt and the US, as well as ties within either country.

While detention often had a damaging relationship on family ties held across oceans, they were especially devastating for those experiencing reprisals, where family members felt too afraid to receive phone calls or even maintain connections on social media for fear they would be targeted. “With tears in my eyes, I tell you I am scared to be in contact with my family.” Dr. Ahmed explained, further elaborating on how this impacted his emotional health. “When you feel you are the cause [of your family’s suffering], you feel ashamed.” Another respondent reported similar fears from family in Egypt: “[My family is] afraid to see my number on their phones...when we talk, [they] can’t sleep for three days after because [they’re] waiting to be arrested.”

Several respondents described the social “outcasting,” where detention held a social stigma, and others described the isolation of the experience in the United States, where Egyptian political practices are unfamiliar. “People are afraid to visit us, call us, or even check in and see how we’re doing. When my brother’s friends come over or talk, while we appreciate it—we tell them that it might not be safe and that we’re ok,” one respondent explained. Another described how the experience impacted romantic life: “Even in the US people are afraid to talk to me. Dating has been very hard. My previous prison experience scares people away.”

## Varied Impact on Professional Life

A varied impact on the professional lives of individuals impacted by detention was reported, with some reporting a disengagement from professional life, and others reporting that detention provided them a professional calling.

Four participants reported that their own detentions or that of their family member prevented them from being able to teach or work, either due to the difficulty of finding appropriate work after fleeing for the US, due to difficulty with stigma associated, or due to enduring psychological effects of the trauma. “I am not able to work as before or even concentrate as I used to. My [post-traumatic stress disorder] has severely affected my job performance,” one respondent explained. Another stated: “I cannot concentrate on school, so had to push graduation. My private business has shrunk quite significantly as well as I am not able to devote time to anything else. I cannot focus on anything else but getting my brother out.”

Three individuals were either unenrolled from studies during their period of detention or were no longer able to study for the reasons listed above.

Several respondents described their experience with detention as a catalyst that informed their life's work and provided motivation to persevere in their cause. "I will never stop [my work], no matter what. I will continue with my last breath...they have the power, and we have the truth," explained Dr. Ahmed. In some cases, this experience was transformative: "My dad's disappearance for a month was a defining moment in my life," one respondent explained, describing how members of the family chose to pursue careers in rights, caretaking, and trauma work. Another shared a similar sentiment: "We were never a political family, but this experience opened my eyes to the breadth of the ongoing injustice...this is my life's work now, making sure no one has to go through this."



## Endemic Mental Health Crises

Every respondent reported some signs of mental health crisis or symptoms consistent with trauma experiences. These were apparent amongst interviewees who endured varying amounts of time that had passed since detention, lengths of detention, or severity of abuses during detention. "Anyone who goes to prison, even if he is released, he holds the prison inside him," explained Dr. Ahmed. Soltan likewise explained the enduring psychological effects, particularly given the continued detention of his father: "I tell myself it's not my fault, but it takes a daily recalibration of emotion. Every day I have to put aside missing my dad." Another reported, "I have been generally very scared since my detention, I think this will live with me forever."

Other signs of psychological distress included, but were not limited to:



Sleeplessness, nightmares, or stress response to certain sounds. "Even [three decades later], anytime somebody knocks at the door, I shake..." explained Dr. Ahmed. "I have chronic nightmares of being chased," one respondent explained. Another said: "I often wake from nightmares in which I return to prison," adding "I have chronic anxiety, depression, and panic attacks."





A heightened feeling of suspicion, which was difficult to disentangle from actual threats faced by individuals or the cumulative trauma that some respondents reported. One respondent who explained the difficulty of living under constant threat: “In the days leading up to my [scheduled] visit to the police station [in Egypt], my anxiety levels increase. I grow suspicious of everything. I worry about any car that parks near my apartment building past a certain hour. I know its irrational, but I can never be sure they are not here to arrest me.” Even in the US, respondents reported similar fears: “There’s a constant fear [the Egyptian authorities] could take my dad...we know it’s a possibility, even being in America” one reported.

Physical manifestations/stress-related symptoms (unexplained fainting, digestive issues, chronic respiratory issues). One respondent described cluster headaches and incessant coughing that began as a result of detention. Another reported: “My physical health has changed completely since [the reprisals began].” Another respondent explained how the stress and conditions of detention exacerbated existing medical issues: “I have persistent hemorrhoids that started and were exacerbated in prison.”

Psychological impacts were also reported for the family members of detainees. The psychological burden was rarely limited to an individual but shared by a family or community. “Seeing how much [the arrests] hurt my dad, it hurts the whole family,” one respondent explained, adding that “We’re in survival mode as a family.” One former detainee reported: “My son wakes up in the middle of the night worried that I am being taken to prison again... we don’t have family here, so I am all he has.”

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**One former detainee reported: “My son wakes up in the middle of the night worried that I am being taken to prison again... we don’t have family here, so I am all he has.”**

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They added that he was unable to trust that he will always have a parent around, “but all of a sudden even I wasn’t there,” the former detainee added. Another respondent described a similarly difficult situation for the family due to the detention of one of the male members: “My brother wakes up in the middle of the night screaming. The boys especially feel lost without their father. Personally, I lost lots of weight and was severely depressed...My mother tries to keep it together but in the immediate aftermath of dad’s detention, she fainted almost constantly.

She had to do a coronary artery bypass surgery and has developed high blood pressure since dad's arrest." Concomitant with the symptoms of crisis, respondents also described varying modes of coping, whereby in their efforts to come to terms with their experience they sought solace through activism, advocacy, retelling their experience, or seeking solidarity. "[Telling my story] is partial post-traumatic therapy," one respondent explained. Another reported: "Activism has become a protective mechanism...the whole family has a focus on building resilience."

## Navigating Financial and Legal Matters

**Some respondents reported a financial burden often underreported elsewhere, though the impact was experienced differently.**

At least two respondents reported extremely high and burdensome legal fees, particularly where loved ones were unable to pay in Egypt: "Lawyers asked for inordinate amounts of money and promised the release of the detained family member. We know that they're probably scamming us but we have no other options...we pay just in case we are wrong." Another respondent reported similarly: "After a lawyer received upwards of 500,000 LE, he told us to set up our dinner table the next Saturday promising that our father would be home by then and have dinner with us. We prepared the meal, sat on the table, and no one showed up."

Two respondents reported sending remittances to support family members during detention;

One respondent described the difficulty of keeping up with credit card debt after a lapse in payments in prison: "I came back, had lost my job while in prison and found that bills had piled up and I had nowhere to go. I applied for social security services and food stamps, but as soon as the social worker saw that some friends arranged a GoFundMe page, they cut my benefits completely. I had sustained some medical issues from my time in prison, which led me to emergency rooms and surgery in the US."

In one case, where financial support was once sent to family in Egypt, they now stopped due to the cutting of ties between family members.

At least six respondents described the government confiscating belongings for which they received no compensation, including expensive electronic equipment. In one case, the individual was no longer able to collect his pension when it was confiscated.

At least four respondents spoke to incalculable amounts of loss in the income lost due to their detention. This included the cessation of work or lost income due to a need to shift career, and how family members have adjusted their professional lives to this new reality. This includes family members resigning from prestigious jobs, loss of contacts due to social stigma of detention, having to liquidate bonds or stock options, or even cut academic opportunities short to attend to detainee's schedules and needs.

Respondents described the negative impact on legal proceedings, receipt of social security, or other legal and administrative matters when detention prevented attendance to hearings or timely response to government notices.

# ASSESSING SERVICES

## Role of the US Department of State

The Department of State is the primary agency within the US government that engages in wrongful detention cases. Typically, wrongful detainees and their family members worked with a Consulate officer at the consular level, where embassy representatives in Cairo monitored, conducted visits, or engaged with counterparts on individuals detained or whose movement was otherwise restricted in Egypt. Because wrongful detention cases can also involve rights violations of relevance to bilateral US-Egyptian relations, the bureaus of Near East Affairs and Democracy, Rights, and Labor also tended to engage on cases as well, liaising with victims, families, or their representatives, with local embassy staff, and with their Egyptian counterparts. Finally, in at least three of the 26 cases examined, the SPEHA's office classified a case as a wrongful detention and acted as a party in negotiating release.

## Consular Engagement

Article 36 of the Vienna Convention on Consular Relations requires that embassies of any state be informed “without delay” of the detention of their citizens; that consular officers may visit and facilitate legal representation; that these citizens have the rights to communication with consular officials; and citizens of a foreign state in detention are informed of their rights “without delay.” Furthermore, the US Department of State has outlined specific protocols around assistance to detained individuals, regardless of whether the detention is deemed wrongful, arbitrary, or otherwise. The Foreign Affairs Manual (FAM) sections on assistance to detained US citizens recommends that consular officers provide detailed lists of attorneys, affidavit forms to allow an individual to report mistreatment, and, circumstances permitting, personal items. While the embassy is not required to provide such support to legal permanent residents or others with “strong US ties,” it may do so “as a courtesy.” The FAM also outlines best practices for engaging other Department of State offices and for informing them of critical issues, including mistreatment of detainees or violations of their rights.<sup>xxx</sup>

Despite the robust assistance outlined in the FAM, and despite Egypt's requirements per the Vienna Convention to allow this assistance, American citizens reported minimal assistance from the US embassy in Cairo or difficulty in getting embassy attention to detained family members. One US citizen stated: “It took the embassy six weeks to reach out to me in prison. My family visited them multiple times but were sent away. Even when [embassy officers] visited, our conversations were recorded by prison authorities. On more than one occasion, the prison guard would interfere denying a statement I [made] about the conditions of detention, and the representative would side with the guard.”

In some cases, individuals reported that Egyptian authorities dismissed or obstructed their desire to communicate with consular officers. “I told the prosecutor that I was a US citizen, and that this arbitrary detention would turn public opinion against him,” said one respondent. “In response, he denied me access to lawyers, withheld visitation rights, and said ‘being an American won't help you here. Let's see what they can do for you. We'll show you.’” In other cases, individuals reported withholding information about their US ties out of fear that these ties would single them out for disfavor or mistreatment by prison authorities. In still other cases, some citizens or family members feared that engagement from the US government was ineffective and could only draw negative attention from the Egyptian government, causing them to refuse or not to seek US intervention on their loved ones' behalf.

Where detainees were legal permanent residents or visa holders, their ability to seek support from the embassy was curtailed. One US citizen contacted the embassy about the detention of his brother: “The embassy shrugged its shoulders and said we cannot do anything about the detention. I didn’t understand.”

## Secretary of State

### Bureau of Near East Affairs; and Bureau of Democracy, Rights, and Labor

Because cases of wrongful detention necessarily had rights or other political implications to bear on US-Egyptian bilateral relations, they were generally of interest to the bodies that managed diplomatic relations in Washington, DC, namely the Bureaus of Near East Affairs (NEA) and Democracy, Human Rights, and Labor (DRL). Throughout 2020, these offices worked under congressional mandate to contribute to reports on Egypt’s human rights situation and to the Secretary of State’s decision as to whether to certify progress on rights conditions per requirements in Appropriations Acts for fiscal years 2018, 2019, and 2020.<sup>xxxix</sup> They also engaged in direct diplomacy efforts with the Egyptian government to advocate for better treatment of prisoners or for their releases.

The vast number of critical cases in Egypt made direct access to these offices difficult for many detainees or their family members, particularly as, unlike consular offices at the embassy, there is no specific mandate for direct assistance to or engagement with Americans detained abroad or their families. That said, former President Donald Trump had established the repatriation of American citizens as a top diplomatic priority for his administration, announcing in September 2019 a track record of “38-0” and claiming he was the “greatest hostage negotiator of all time.”<sup>xxxix</sup> Despite these claims, and despite explicit attention from former Vice President Mike Pence to Kassem’s case, Kassem died in Egyptian prison as a result of medical neglect on January 14, 2020. After this death, negotiations for releases of other prisoners became more earnest, and at least two American citizens, Reem Dessouki and Mohamed Amashah, were released and returned to the US.

Like previous Secretaries of State, Pompeo failed to certify that the country had made progress on rights conditions, though he waived these conditions in the interest of US national security. The DRL country report on Egypt’s human rights practices in 2020 mentions one case of reprisal against a US citizen, referencing the detention of Soltan’s family. The report mentions one case of a US citizen contracting COVID-19 in prison, and mentions Kassem’s death, though without reference to medical neglect.<sup>xxxix</sup>

## Special Presidential Envoy for Hostage Affairs

Executive Order 13698 and Presidential Policy Directive 30 of June 2015 established specialized US government bodies charged with “securing the safe recovery of U.S. nationals held hostage abroad,” including those held in cases of wrongful detention.<sup>xxxix</sup> Specifically, these directives created the role of the Special Presidential Envoy for Hostage Affairs (SPEHA), a senior diplomatic role whose position was elevated to an Ambassador after the Robert Levinson Hostage Recovery and Hostage Taking Accountability Act was codified in December 2020; In 2020, Hugh Dugan served as the acting SPEHA until Roger Carstens assumed the position in March.<sup>xxxix</sup> In addition, the Hostage Fusion Recovery Cell (HFRC), housed within the FBI, was created to act as the coordinating interagency for hostage related issues. The HFRC provides working strategies and recovery options to the Hostage Response Group, a sub deputies committee within the National Security Council.<sup>xxxix</sup> The HFRC also includes an Issue Manager tasked from the Office of the Director of National Intelligence, in the interest of making “proactive efforts to declassify relevant and reliable information or provide unclassified summaries to a hostage’s family.”<sup>xxxix</sup>

While the SPEHA and HFRC, if requested by the SPEHA, are mandated to cover wrongful detention cases, several impediments seemed to prevent effective service to families of detainees. A lack of clarity on the determination of wrongful detention (for which there was no legal definition until the passage of the Levinson Act); assumptions around detainees' access to legal counsel, fair trial guarantees, or due process; and a lack of awareness around the roles and responsibilities of the SPEHA and HFRC provided obstacles to engagement.<sup>xxxviii</sup>

Because wrongful detainees may be held in accordance with local laws, even where their detention has been deemed wrongful in nature, the detention does not constitute a violation of US law and so former detainees and their families are not able to work with the HFRC to access funds through the Victims of Crime Act of 1984.<sup>xxxix</sup> This has serious consequences, as financial repercussions are often extremely burdensome to families, as detailed in previous and subsequent sections.

## Role of the United States Congress

In addition to the Department of State, US Congress played a significant role in dealing with cases of wrongful detention of US persons, particularly where individuals were constituents. In addition to acting in a representative role to Executive branch offices seeking additional information about cases, senators and representatives acted as advocates on behalf of their constituents in seeking release. At times, other offices, particularly those with key roles in relevant committees with foreign relations mandates also engaged on cases of wrongful detention (or broader detention or rights related issues), including member offices and staff of the House Foreign Affairs Committee (HFAC), the Senate Foreign Relations Committee (SFRC), and the Appropriations committees in the House and Senate.

## Constituents' representatives

Constituent services are a representational requirement of any member of the US Senate or House of Representatives, but the nature of services provided, as well as the frequency and availability of communication varied widely from office to office. In some cases, family members, friends, or others were able to swiftly access office staff, even where these were not necessarily representatives; this was particularly the case for high-profile arrests that garnered public media attention. In one instance, the arrest of three staff members of the Egyptian Initiative for Personal Rights garnered a Congressional letter less than a week after the detentions occurred. The letter was led by Senator Tammy Baldwin (D-WI) and Representative Marc Pocan (D-WI), when the friends of one of the detainees, Wisconsin residents, engaged with their representatives; the letter was also signed by the representative of one of the detainee's brothers, also a US citizen.<sup>xl</sup> In other instances, even where an individual was a constituent, families faced long response times or difficulty accessing their Senator or Representative.

The responsibility for managing cases of constituents or their family members in detention fell to different staff members for different offices, which also led to varied support services. Both Senate and House offices have dedicated staff assigned to "casework," but House and Senate rules do not strictly define what constitutes "casework," nor do they strictly define what services must be provided.<sup>xli</sup> Because these detentions occurred outside the US, many offices viewed these not as case services concerns, but as foreign relations concerns, and so management of the issues was assigned to relevant foreign relations or national security staff. Regardless of the staff managing the case, offices provided letters of inquiry or concern to the relevant embassy staff or executive offices.



## Relevant committees

In addition to constituent representatives, some members of relevant committees engaged on cases of wrongful detention of US persons or family members through 2020. Specifically, members of the House Foreign Affairs Committee, Senate Foreign Relations Committee, and their dedicated staff were particularly interested in gathering information about cases. These committees, along with the Appropriations Committees in the House and Senate, are responsible for legislating on appropriations for State, Foreign Operations, and Related Programs, which includes foreign military financing to Egypt. The draft legislation put forward for fiscal year 2021 provided some of the strongest human rights conditions on this military financing to date, including specific conditions regarding the release of political prisoners that may not be waived for national security reasons.

Additionally, Representative Tom Malinowski (D-NJ), introduced an amendment to the National Defense Authorization Act (NDAA) of 2020 that would require the Secretary of State to issue a report on the government of Egypt's arbitrary detention of, violence against, or state-sponsored harassment of American citizens and their immediate family members.<sup>xiii</sup> The amendment was intended to determine whether Egypt's behavior violated provisions in the Arms Export Control Act (22 U.S.C. 2756) that forbid export licenses to countries engaging in such patterns of intimidation and harassment. The amendment was not, however, passed into law. (While the law remains in effect, without legislation mandating its enforcement, it has not been invoked or enforced, and remains at the discretion of the President to report such patterns to relevant Congressional committees.)

## Role of civil society

The services provided by government bodies was often difficult to navigate and asymmetric. Throughout 2020, civil society organizations also worked with detainees and family members to help advocate on behalf of their rights, assist them in urgent situations, and to offer support services on reintegration. While these groups did not necessarily focus exclusively on US persons, they were critical to the support network for these individuals.

## Human rights and advocacy organizations

Human rights organizations provided support through direct case management, acting as legal representatives in meetings with policymakers, in advisory roles to detainees and family members as they navigated complex relationships with various government offices, or as advocates to influence policy agendas to be more rights centric. These included the sponsor of this research, the Freedom Initiative, as well as several other organizations based in the United States or internationally. International non-governmental organizations like Amnesty International or Human Rights Watch have local staff that assess ongoing developments, as well as staff conducting targeted advocacy in Washington, DC. Regionally focused organizations like Fi, the Project on Middle East Democracy, or the Tahrir Institute for Middle East Policy included research and advocacy on wrongful detention in their 2020 mandates. Other groups, like the Committee to Protect Journalists or Coptic Solidarity, worked on specific rights issues that may have intersected with cases of wrongful detention—press freedom or religious freedom, respectively.

Not only did they work on behalf of individuals facing wrongful detention, these organizations and their staff members were also the target of threats, harassment, or reprisals.



In addition to the reprisals experienced by Soltan and Mansour, Egyptian state-aligned media channels slandered US-based rights groups and their members in television or print news segments. On November 29, 2020, a news broadcast on Egypt's TeN TV featured a segment on the "most dangerous organizations attacking Egypt from the US." The segment referenced the aforementioned letter led by Senator Baldwin and Representative Pocan and suggested that US human rights organization had received funding from the Muslim Brotherhood to orchestrate it. The segment referenced several US citizens and LPRs by name, including Mohamed Soltan, Mai el Sadany, Ramy Yaacoub, Sarah Leah Whitson, and Aya Hegazi.

## Support Services

A constellation of other civil society organizations are available to provide emergency services to individuals dealing with ongoing detention or at serious risk. The CSO Lifeline comprises at least eight NGOs operating around the world and who are able to provide emergency financial or other assistance to civil society organizations and their staff under threat. Several of the Lifeline's members have similar mandates. However, the Lifeline and its members are not able to provide support to individuals residing in the US, making these services nearly impossible to utilize for US persons and their family members.

Several other organizations are available to provide support services to individuals upon return to the US. Hostage US, for instance, offers financial, logistical, or support orientation to local or private services (health, psychological, legal, etc.) for returning hostages and which was also extended in at least one case to a returning detainee. The Heartland Alliance, based in Chicago, IL, offers nationwide services to survivors of torture, though it is unclear if any individual returning from wrongful detention in Egypt utilized this service in 2020.

Family members of detainees were faced with a serious gap in access to services, marginalized from many of the services available either through the US government or through civil society. One respondent described the informal networks that formed among families in the US as a result, where contact information, advice, or expressions of solidarity would be shared privately among them.



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# FINDINGS

Like the vast number of cases of wrongful detention across Egypt, detentions of US persons and their family members were not limited to any one category (dissidents, Islamists, etc.), but across a very broad spectrum, their essential rights and freedoms were violated. This research documented cases of women, men, Coptic Christians, Islamists, Quranists, non-religious persons, political dissidents, advocates, youth, and elderly among the cases of wrongful detentions. Among the categories above, the causes for detention were also varied and arbitrary. Some appeared in clear relation to targeted criticism or dissent against the government or its bodies (including Al-Azhar), still others appear to be completely circumstantial.

Cases tied to defendants who are publicly affiliated with the Muslim Brotherhood described additional obstacles in garnering public support among civil society and may be more likely to remain silent regarding their family members' detention.

In some cases, similar patterns were reported for decades, but almost all reported feeling a worsening situation since 2013.

Counter-terrorism laws were used as primary mechanisms to justify wrongful detentions of US persons; detainees came from a wide diversity of identity and background, but nearly all accusations were identical and related to Egypt's anti-terrorism laws. Particularly where the US has offered vocal and material support for Egypt's declared "war on terror," and particularly as draft legislation around declaring the Muslim Brotherhood a terrorist organization circulated throughout 2020, this often complicated advocacy efforts towards release.

Cases of reprisals represent very clear efforts by the Egyptian government to directly curtail protected rights and freedoms within US borders; some respondents described feeling unsafe even within the United States.

Despite US policymakers' insistence on strong US-Egyptian ties, many authorities in the Egyptian security services (police or prison officials) acted toward anyone with US affiliation as though they were citizens of or agents of a political adversary, and this has caused individuals to become wary of sharing their affiliation with the US.

While the impact of Egyptian detention practices are felt around the world, respondents reported unique experiences of dealing with Egyptian detention issues while in the United States. This included:

Navigating a multilayered threat landscape: being Muslim, Arab, and/or Afro-Arab, as well as being under threat from a foreign government

Isolation from community who do not understand the political context of detention in Egypt; and/or

Isolation from family, profession, or community while dealing with trauma of reintegration.

Experiences of victimization through immediate and proximal contact with state authorities has enduring consequences on survivor's mental and physical health. These consequences affect not only their personal but also their professional lives, livelihoods, and finances.

These detentions overall not only constitute cases of violations of individual rights, but also have a deleterious effect on American society, particularly in certain communities or professional fields as respondents reported self-censorship or cessation or curtailment of economic and social activities.

Nearly all cases expressed a sense of apathy or frustration around US policymaker representation or engagement, where fears that Egyptian government authorities would learn of advocacy efforts could lead to negative consequences for loved ones in Egypt, or where they believed that engagement with US government officials was futile.

Because individuals or loved ones were being held by a state entity, and particularly given Egypt's standing as declared US ally, individuals were not always able to access critical support. As civil society networks were often more oriented towards assisting those in need in the region, this left significant gaps in access to financial, logistical, psychosocial, or other services.



# RECOMMENDATIONS

## To the US Embassy in Cairo

**In addition to continuing consular services to US persons in detention and regularly conveying updates on cases to colleagues in the Department of State, we recommend that the US Embassy in Cairo:**

Conduct an assessment of protocol surrounding regularity of detainee visits to ensure they adhere to standards established in the FAM.

Ensure that detainee visits are conducted in an environment where the detainee feels safe and comfortable to share the conditions of their detention.

Engage with Egyptian counterparts around Vienna Convention mandates on timely sharing of information, to ensure that the Embassy is being informed of any cases of US persons in detention and their condition.

Ensure that the consulate officer is providing regular updates to the SPEHA's office to allow the office to make accurate assessments of cases of wrongful detention under the Levinson Act;

Conduct regular consultations with family members of detainees and civil society representatives (particularly members of local civil society organizations) to ensure that the office is aware of needs and concerns around specific cases and general detention-related issues.

Assess capacity and protocol for engaging on cases of non-US nationals, including resident visa holders and US family members.

Monitor other cases of deprivation of liberty that are not strictly detention related, including onerous probationary restrictions, bans on travel, or other.

## To the Department of State

including NEA and DRL

**In addition to ongoing efforts to engage in public and private diplomacy around the release of US persons wrongfully detained in Egypt, we recommend that the Department of State:**

Consider the personal security of US persons and their family members in any decisions to waive human rights conditions on US assistance as fundamental to matters of national security

Make explicit in public and private meetings with Egyptian counterparts that shared interests of establishing security and countering terrorism necessitate the prioritization and protection of rights (and that the violation of them risks long-term instability)

Investigate and determine whether cases of wrongful detention of US persons and their family members, as well as the continued threat that these widespread practices pose, constitutes "a consistent pattern of acts of intimidation or harassment directed against individuals in the United States," and cease the granting of any export licenses per the Arms Export Control Act (22 U.S.C. 2756).<sup>xliii</sup>

Continue to publicly and privately raise concerns about Egypt's abuse of detainees' rights, including abuse of remand detention, medical neglect, torture, or other violations of rights to due process, fair representation, or life.

Call on the government of Egypt to facilitate visits for the International Committee of the Red Cross to ensure independent monitoring of detention conditions and detainee health.

Monitor other cases of deprivation of liberty that are not strictly detention related, including onerous probationary restrictions, bans on travel, or other, and, where these are used inappropriately, continue to include them in relevant rights reports.

## To the SPEHA

**In addition to continuing regular consultations with family members and civil society to better understand concerns and convey critical information, we recommend that SPEHA's office:**

Ensure SPEHA's work and the resources of the HFRC are known and available to families, through continued engagement with other US government, Congressional, and civil society interlocutors.

Clarify SPEHA determination processes for wrongful detention in implementation of the Levinson Act and ensure that the above channels are maintained to allow families to identify potential cases of wrongful detention.

## To Congressional offices

**In addition to maintaining engagement with US persons and their family members wrongfully detained in Egypt, we recommend that Congressional offices:**

Where requested by family members, detainees, or their representatives, make private or public statements of concern or solidarity, including through social media posts or public letters.

Offer constituent services to address the needs of reintegrating detainees or constituents whose family members are wrongfully detained in Egypt where necessary.

Ensure that knowledge of case developments and any concerns around fair treatment of US persons or their family members in detention are properly communicated to the Egyptian Embassy and relevant contacts at the Department of State.

Engage with colleagues in relevant committees with bearing on US-Egyptian relations to ensure that they are aware of details on any ongoing cases in your jurisdiction.

## To relevant congressional committee

(HFAC, SFRC, Senate and House Appropriations)

**In addition to maintaining regular consultations and engagement with staff at the Department of State, colleagues whose constituents are impacted by Egyptian detention practices, and civil society and communicating concerns to the government of Egypt, we recommend that relevant congressional committees:**

Where requested by family members, detainees, or their representatives, make private or public statements of concern or solidarity, including through social media posts or public letters.

Make explicit in public and private meetings with Egyptian counterparts that shared interests of establishing security and countering terrorism necessitate the prioritization and protection of rights (and that the violation of them risks long-term instability).



Establish clear and explicit conditions on foreign military financing to Egypt that prohibit release of funds where US persons or their family members remain wrongfully detained.

Establish clear and explicit conditions on foreign military financing to Egypt that prohibit release of funds where the government of Egypt continues to engage in behavior designed to intimidate or harass US persons, or where the government of Egypt seeks to curtail protected rights within the US;

Require that the secretary of state report on the patterns and behaviors listed above.

Consider legislation that would allow victims of wrongful detention and their family members to access critical funds through the Victims of Crime Act.

## To civil society and donors

**In addition to continuing to provide support services and advocacy on behalf of the wrongfully detained, we recommend that civil society and donor organizations:**

Conduct further study of impact of Egyptian detention practices on a wider scope of US persons, including surveys of family members, civil society workers, media workers, academics and others.

Assess gaps in resource or service provision for US persons or family members dealing with impact of Egyptian detention practices.

Provide funding for psychological services and mental health awareness programs for US persons and family members, as well as for programs for trauma sensitivity training and mental health awareness for those working in direct support roles (in the US government or civil society).

## Endnotes

- i Declan Walsh, “American Held in Egypt Prison Dies After a Hunger Strike,” New York Times, Jan. 13, 2020, <https://www.nytimes.com/2020/01/13/world/middleeast/egypt-prisoner-moustafa-kassem-dies.html>
- ii The Arabic Network for Human Rights Information (ANHRI), “Waiting for you; 78 prisons, including 35 built after the January Revolution “On the difficult conditions of prisoners and prisons in Egypt,” April 11, 2021, <https://www.anhri.info/?p=23376&lang=en>
- iii 2020 Country Reports on Human Rights Practices: Egypt,” US Department of State, March 30, 2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/egypt/>
- iv ANHRI
- v 2020 Country Reports.
- vi Ibid
- vii Text of letter from 56 Senators and Members of Congress to President Abdel Fattah el Sisi, October 19, 2020, [https://khanna.house.gov/sites/khanna.house.gov/files/KhannaMcGovernBrown\\_SisiPoliticalPrisoners.pdf](https://khanna.house.gov/sites/khanna.house.gov/files/KhannaMcGovernBrown_SisiPoliticalPrisoners.pdf)
- viii Text of letter from 37 Senators and Members of Congress to President Abdel Fattah el Sisi, November 25, 2020, [https://www.vanhollen.senate.gov/imo/media/doc/Bicameral%20Letter%20to%20President%20al-Sisi%20on%20Egyptian%20Human%20Rights\\_Final.pdf](https://www.vanhollen.senate.gov/imo/media/doc/Bicameral%20Letter%20to%20President%20al-Sisi%20on%20Egyptian%20Human%20Rights_Final.pdf)
- ix Sudarsan Raghavan, “Defying Biden administration, Egypt again arrests relatives of Egyptian American activist,” Washington Post, Feb. 16, 2021; <https://twitter.com/jobiden/status/1282419453939113989?lang=en>
- x The Freedom Initiative particularly thanks Cynthia Loertscher and Margaux Ewen of the James W. Foley Legacy Foundation for their invaluable support in reviewing this research and clarifying terms, definitions, and roles associated with US policies on hostages and wrongful detention
- xi See page 685, Report of the Committee on Rules 116–457, US House of Representatives, Item 240., “AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALINOWSKI OF NEW JERSEY,” July 22, 2021, <https://www.congress.gov/116/crpt/hrpt457/CRPT-116hrpt457.pdf#page=685>
- xii See text of 22 USC 2756, “Foreign intimidation and harassment of individuals in United States,” in effect as of May 2, 2021: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section2756&num=0&edition=prelim>
- xiii Cynthia Loertscher, “Bringing Americans Home 2020,” The James W. Foley Legacy Foundation, April 2020: <https://www.newamerica.org/international-security/reports/bringing-americans-home-2020/3-key-concerns-amongst-hostage-and-detainee-families/>
- xiv S. 712 (116th): Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, December 21, 2020, <https://www.foreign.senate.gov/imo/media/doc/S.%20712%20Revised%20Substitute%20Amendment.pdf>
- xv “Definition of arbitrary detention,” United Nations Office of the High Commissioner on Human Rights, accessed April 15, 2021: <https://www.ohchr.org/EN/Issues/Detention/Pages/AboutArbitraryDetention.aspx>
- xvi ANHRI
- xvii The Freedom Initiative particularly thanks Professor Adam Brown and the New School for Social Research’s Trauma and Global Mental Health Lab for providing insights and training on trauma sensitive approaches to human rights work. To learn more, see the website: <https://nssrglobalmentalhealth.com/>
- xviii Amnesty International, “‘What do I care if you die?’ Negligence and denial of health care in Egyptian prisons,” January 25, 2021, <https://www.amnesty.org/en/latest/news/2021/01/egypt-abused-and-denied-health-care-prisoners-lives-at-risk/#:~:text=Prison%20officials%20in%20Egypt%20are,today%20highlighting%20how%20prison%20authorities>
- xix One of these was 64-year-old Ahmed Abdelnabi Mahmoud, whose daughters are US citizens; Mahmoud was denied access to medical care for chronic illnesses, including diabetes and asthma, and did not receive care for kidney stones developed while in prison. The other individual’s family asked that their loved one not be identified. See “Egypt: Man Dies in Unjust Detention,” Human Rights Watch, September 3, 2020: [https://www.hrw.org/news/2020/09/03/egypt-man-dies-unjust-detention#:~:text=\(Beirut\)%20%E2%80%93%20A%2064%2D,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2020/09/03/egypt-man-dies-unjust-detention#:~:text=(Beirut)%20%E2%80%93%20A%2064%2D,Human%20Rights%20Watch%20said%20today)
- xx “UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-19 in prisons and other closed settings,” World Health Organizations and others, May 13, 2020, <https://www.who.int/news/item/13-05-2020-unodc-who-unaid-and-ohchr-joint-statement-on-covid-19-in-prisons-and-other-closed-settings>
- xxi 2020 Country Reports.
- One additional US citizen’s detention was documented, though we were not able to adequately assess the circumstances around arrest and judicial proceedings to confidently declare the detention wrongful.

## Endnotes

The agent used the Arabic “هيبتناكو,” translated here as “they will be fucked.”

The Quranists are a sect of Sunni Muslims who embrace the Quran as the only source of truth. They are denounced as heretics in many Sunni-majority countries in the region and have been described as a persecuted group by the US Commission on International Religious Freedom (USCIRF). See USCIRF, “Annual Report 2020,” April 2020, page 87, [https://www.uscifr.gov/sites/default/files/USCIRF%202020%20Annual%20Report\\_42720\\_new\\_0.pdf](https://www.uscifr.gov/sites/default/files/USCIRF%202020%20Annual%20Report_42720_new_0.pdf)

Although the detention of Mahdy’s family occurred in 2021, we have included it in this report for reference as it relates to his activities in 2020.

See, for instance, Ramy’s aunt and uncle, Zeinab and Rick Schwen, who spoke to local television about his case in October 2020, or his cousin Deena Schwen, who wrote about his case for a local newspaper in December 2020. Josh Bazan, “Local couple fighting to get nephew released from Egyptian prison,” WCPO, October 25, 2020 <https://www.wcpo.com/news/local-news/hamilton-county/symmestownship-community/local-couple-fighting-to-get-nephew-released-from-egyptian-prison> and Deena Schwen, “Pressure from US can free loved one in Egypt,” Columbus Dispatch, December 29, 2020, <https://www.dispatch.com/story/opinion/columns/2020/12/29/column-pressure-us-can-free-loved-one-egypt/4027860001/>

Vienna Convention on Consular Relations, United Nations, 1963, [https://legal.un.org/ilc/texts/instruments/english/conventions/9\\_2\\_1963.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf)

Foreign Affairs Manual, “7 FAM 400

ARREST OF U.S. CITIZENS ABROAD,” US Department of State, March 6, 2016, <https://fam.state.gov/fam/07fam/07fam0410.html>.

Ibid

Ibid, 7 FAM 411,

The requirement for certification from the Secretary of State on progress toward human rights conditions has been present in successive legislation on foreign military financing to Egypt since 2014. This followed President Obama’s suspension of delivery of defense equipment after the Raba’a Massacre. For more see Amy Hawthorne, “What’s Happening with Suspended Military Aid for Egypt: Part I,” MENASource, Atlantic Council, October 16, 2014, <https://www.atlanticcouncil.org/blogs/menasource/what-s-happening-with-suspended-military-aid-for-egypt-part-i/> and Andrew Miller, Seth Binder, and Louisa Keeler, “President Trump’s FY21 Budget,” Project on Middle East Democracy, June 2020 [https://pomed.org/wp-content/uploads/2020/06/POMED\\_FY21BudgetReport.pdf#page=39](https://pomed.org/wp-content/uploads/2020/06/POMED_FY21BudgetReport.pdf#page=39). For full text of the Acts: 2020, see <https://www.congress.gov/bill/116th-congress/house-bill/2740>; 2019, see <https://www.congress.gov/bill/115th-congress/house-bill/6385>; and 2018, see <https://www.congress.gov/bill/115th-congress/house-bill/3362>

<https://www.washingtonpost.com/world/2020/01/16/us-citizens-detained-abroad-that-trump-couldnt-free/>

2020 Country Reports.

Executive Order 13698 of June 24, 2015 Hostage Recovery Activities, Federal Register Vol. 80, No. 124 Monday, June 29, 2015, <https://fas.org/irp/offdocs/eo/eo-13698.pdf>

Levinson Act.

Executive Order 13698.

Ibid.

The James W. Foley Legacy Foundation’s comprehensive annual reports offer great insight and detail into SPE-HA and HFRC’s engagement on cases of wrongful detention. Their report released in April 2020 highlights these and other concerns, particularly pages 35-38: [https://d1y8sb8igg2f8e.cloudfront.net/documents/Bringing\\_Americans\\_Home\\_2020\\_b5nkt97.pdf](https://d1y8sb8igg2f8e.cloudfront.net/documents/Bringing_Americans_Home_2020_b5nkt97.pdf)

Unlike wrongful detainees, hostages and their families are able to work with the HFRC to access these critical funds.

“Baldwin and Pocan Lead Lawmakers in Calling on President of Egypt to Immediately Release Wrongfully Detained Human Rights Advocates,” Tammy Baldwin United States Senator for Wisconsin, November 25, 2020, <https://www.baldwin.senate.gov/press-releases/president-of-egypt-to-release-detained-human-rights-advocates>

R. Eric Petersen and Sarah J. Eckman, “Casework in a Congressional Office: Background, Rules, Laws, and Resources,” Congressional Research Service, updated April 1, 2021, [https://www.everycrsreport.com/files/2021-04-01\\_RL33209\\_c7242b7ae9ff8b6e0eff132ead6161b201adfb34.pdf](https://www.everycrsreport.com/files/2021-04-01_RL33209_c7242b7ae9ff8b6e0eff132ead6161b201adfb34.pdf)

H.R. Rep 116–457, page 685.

22 USC 2756.