

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

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April 13, 2017

Magdy Abd al-Ghaffar
Minister of Interior
Arab Republic of Egypt

CC: Sameh Hassan Shoukry
Minister of Foreign Affairs

CC: Nabil Sadeq
Prosecutor General

Dear Mr. Magdy Abd al-Ghaffar,

I am writing with regard to four Palestinian young men from Gaza who were taken by armed men after crossing from Gaza to Egypt via the Rafah border control post on August 19, 2015: Abdullah Abu al-Jebain, Abd al-Dayyam Abu Lebda, Hussein al-Zebda, and Yasser Zenoun. The men's whereabouts are unknown, but the families believe they are in Egyptian custody. Egyptian authorities have not provided any information about them, despite a November 7, 2016 letter from the families to senior Egyptian officials inquiring about their status.

We will reflect any pertinent information you provide us by Sunday, April 30 in any future publications we issue pertaining to this case.

Human Rights Watch (HRW) is an international human rights organization whose head office is located in New York City. We publish reports on the state of human rights in more than 90 countries worldwide, with the object of defending human rights and promoting respect for international humanitarian law.

Al-Jebain, 23, from the Jabaliya refugee camp, Abu Lebda, 26, from the al-Bureij refugee camp, al-Zebda, 29, a resident of Sheikh Radwan, and Zenoun, 26, a resident of Rafah City, passed legally through the Rafah crossing on August 19, 2015, according to their families. The families told Human Rights Watch that the men called them from the Egyptian side of

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the crossing that evening and later that night boarded a bus headed to Cairo International Airport via the Sinai Peninsula.

The families said that the men were planning to head to Turkey—al-Jebain and Abu Lebda to continue their studies and al-Zebda and Zenoun to receive medical care. About 300 meters after the bus left Rafah, six armed men in civilian clothes fired on the bus and forcibly took custody of the four men, other passengers on the bus told the families. The families have not heard from the men since.

The news organization Al Jazeera [published](#) a photograph in August 2016 claiming to show two of the men, Abu Lebda and Zenoun, sitting in a Cairo detention facility. Several media outlets also have posted [video footage](#) purporting to show the two men in the same detention facility. The families of the two men say that the photographs and video do indeed depict their relatives.

On August 20, 2015, the day after the men were abducted, Egyptian security officials and sources close to Hamas [told the Reuters](#) news organization that the four men were members of Hamas' armed wing. In September 2016, the Hamas then-deputy foreign minister Ghazi Hamad told Human Rights Watch that all four men were Hamas members but not high-level officials. In August 2016, Hamas official Salah Bardawil told the [Shams News Agency](#) that Egypt had set conditions on the men's release.

Human Rights Watch could not independently confirm these media accounts or the families' information.

If any of these four men is in the custody of Egyptian authorities, we urge you to immediately acknowledge this, as well as the basis for their detention, as state authorities are required to do under international law. This obligation is unconditional and cannot be contingent on the fulfillment of demands by the Gaza authorities. Egyptian authorities should immediately charge the men if they suspect them of criminal activity, or otherwise release them.

Incommunicado detention violates basic protections for both civilians and fighters under Egypt's code of criminal procedure, which requires authorities to bring criminal suspects in front of a prosecutor within 24 hours and prosecutors to charge the detainee based on evidence or release the person immediately. It also violates international law, which requires that all detainees, regardless of their particular status, be brought "promptly" (i.e. within days) before a judicial officer or equivalent to review the legality and necessity of their detention.

Under international law, a state's refusal to acknowledge that a person has been detained or to reveal a person's whereabouts or fate following detention or arrest by state forces, placing the detainee outside the protection of the law, is an enforced disappearance. Enforced disappearance violates many of the rights guaranteed under the International Covenant on Civil and Political Rights, which Egypt ratified in 1982, including the requirement to bring detainees promptly before a judge. Enforced disappearances leave detainees exceptionally vulnerable to torture and other abuse. Under international law, countries must investigate enforced disappearances, hold anyone responsible to account, and properly compensate victims.

Detainees also have the right to humane treatment, communication with their families, access to counsel and the ability to challenge the basis for the detention, and visitation by the International Committee of the Red Cross.

My contact information follows my signature information, below.

Thank you for your attention to this matter.

Sincerely,

Sarah Leah Whitson
Executive Director
Middle East and North Africa
Human Rights Watch