# ROTATIONAL DETENTION MONITORING REPORT

## JANUARY 2018-MARCH 2021



A NEW HUMAN RIGHTS VIOLATION Rotational detention is a new method for the government institutions to turn around international and global laws when it comes to arbitrary detention



Arab Foundation for civil and political rights

Neda

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## Introduction

This report monitors the refusal of setting a citizen free by adding their names to other cases with similar or unreasonable charges in order to prolong their detention and creating a legal cause to maintain their detention and is thereof called Rotational Detention.

Rotational Detention is the recurrent act of detention after a "Release Verdict" is reached either due to carrying out the sentence or because the victim was found innocent...etc.

It is a form of violation to human rights that was not known of before or not used on such a widescale and is therefore overlooked by international treaties and conventions and was not dealt with directly or accurately defined. Most national and international laws have not dealt with this sort of violation and have not defined it accurately.

This kind of violation could be considered as a form of corruption that deems the penalizing of offenders and compensation of the victim in the case that this violation did not take place systematically or for political purposes.

Also, this violation cannot be dealt with as abuse of legal frame as suing is a right of the people and should not be a right given to the state or prosecution in determining the charges. The public prosecution was granted the right to direct charges in order to guarantee rights and not granted to be used freely

During the period starting in January 2018 and until the 15<sup>th</sup> of March 2021, this report has monitored the rotational detention of 774 victims implicated in 941 occurrences.

## Background

Throughout the past years, the Governmental Institutions have been accused of arbitrary detention of political opposition and Human Rights Defenders; in order to turn around such accusations there has been this new bending the law method to keep all of the high voices out of the international community. Whenever a detainee is to be set free in accordance to the law, thy add him to a new case with almost the same accusations except with new case number.

This has led to this partnership, seeking out to monitor and document cases and numbers of those who are facing such violation against their rights, even though it is not defined as one yet.

This report is to highlight such violation and to introduce it to the international community.





## Methodology:

The cases that were monitored in this report depended on specific sources that are mentioned in it and according to the timeline starting at the first incident of detention until the last incident in which they were added to a different case with minimal assumptions of release of the victims in any way during their detentions. The report consists of only 28 case studies which do not determine the sufficient data of the first arrest of the victim.

It should be noted that the numbers projected in this report does not reflect the total number of victims who have been put through this practice but only those that we were able to monitor during the period covered by the report.

# This report monitors the basic patterns of this practice only due to lack of resources and access to information that prevents us from accurately quantifying the case studies in light of the following:

- a) Scarcity of governmental statements and difficulty in reaching the required information through those channels
- b) Scarcity of statements from partial prosecutors' office
- c) Difficulty of human rights and informational coverage in regards to National Security Prosecution and its focus on limited cases according to its jurisdiction/capacity.
- d) Lack of resources needed to revise the position of all victims that have been released or those who carried out their sentences and ensuring that they were truly set free during the time covered by this report
- e) Absence of an official entity through which we could verify the information regarding the victims

#### Moreover, we have excluded over 300 victims for the following the criteria:

- a) Cases that were not presented to any jury regardless of length of detention proceeding their verdict of release.
- b) Cases that were kept in detention after the verdict of release or carrying out their sentences without legal justification before their actual release.
- c) Cases that were detained during their parole or precautious follow ups for previous charges.
- d) Cases that were victimized after their verdict of release or carrying out their sentences pertaining other charges preceding their time of detention
- e) Cases that were added to multiple charges at the time of their arrest
- f) Cases where the information was not verifiable or conflicting
- g) Cases that maintained anonymity
- h) Criteria of inclusion:
- i) Cases that carried out their sentence and then were added to new charges
- j) Cases that were found innocent and then were added to new charges
- k) Cases that were sentenced to be release and then were added to new charges
- I) Cases that were added to similar charges while detained for existing charges
- m) Cases that were removed from charges and not released but added to new charges
- n) Cases that were sentenced to be released but instead were rotated under the same charges



#### Sources:

This report was based on specific sources and if those sources could not verify their information first hand, the credibility of the source was taken into consideration along with verifying the information from multiple sources.

#### The sources were mainly as follows:

- a) Legal Council colleagues from the Arab Association for Civilian and Political Rights Nedal and Shafafia Association.
- b) Humanitarian Entities whether Individual or Organizations i.e.; Lawyers, Activists in the Humanitarian field.
- c) National sources like electronic pages focused on local issues which covers its geographical sector whether humanitarianly or informatively

## General Obstacles:

- a) Weak coverage of certain governorates and geographical sectors, especially in upper Egypt and the Canal regions.
- b) Lack of official entity to verify the victims' information
- c) Lack of certain infographic information of the victims i.e.; age and occupation
- d) Scarcity of official statements detailing these occurrences for which they were detained or their charges
- e) Lack of specifications of the charges or the mentioning of the charges in brief i.e.; mentioning the victim is charged with joining a terrorist organization without any clarification as to which organization or date of joining...etc.
- f) Abundant presence of cases that are not connected to specific incidents which makes creating a general framework and timeline very hard.

### Statistics:

Noting that the statistical sample is not homogenous and was brought about by comparison and contrast of all available data due to the variation of the timeline or number of recurrences that the victims experienced.

#### This report was based on two main perspectives as follows:

According to the victims, statistics were drawn regardless of the number of times they were rotationally detained and their specifics at the time of the first arrest, as in, if the victim was a minor, it does not necessitate that they were rotationally detained as a minor and the same for their occupation and so on, with a total of 774 victims

According to each rotational detention and the specifics of the victim at that time in example; that the victim was a minor during the first occurrence but by the time of the first rotational detention he would have reached the age of adulthood reaching the total of 941 rotational detention occurrences

Generally, the statistical data has been summarized as much as possible and the focus is to find the connection between the basic statistics due to the aforementioned issue of homogeneity of the sample and to simplify as much as possible so as to avoid losing the focus of the panel and in the case of requesting to see the detailed accounts or the full statistical information please get in touch.

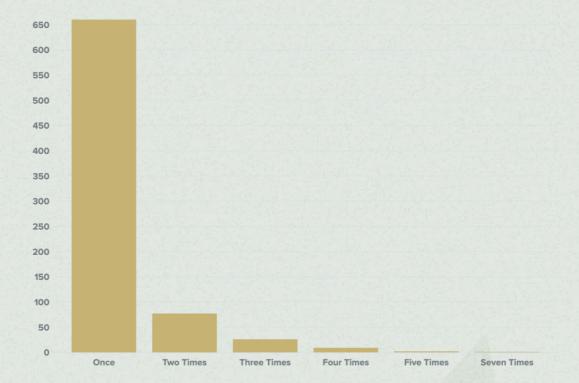


#### The statistical frame was focused on the following variables:

- a) Social Status
- b) The first and the final official entity dealing with the case
- c) The duration of the first arrest or prosecution
- d) The durations of detentions whether in total or for each occurrence separately
- e) Classification of the type of rotational detention
- f) Residential governorate
- g) Age group
- h) Profession

#### Generally, there were 774 victims to this practice as follows:

- a) 660 victims subjected to at least one rotational detention
- b) 77 victims subjected to at least two rotational detentions
- c) 26 victims subjected to at least three rotational detentions
- d) 9 victims subjected to at least four rotational detentions
- e) 2 victims subjected to at least five rotational detentions
- f) 1 victim subjected to at least seven rotational detentions







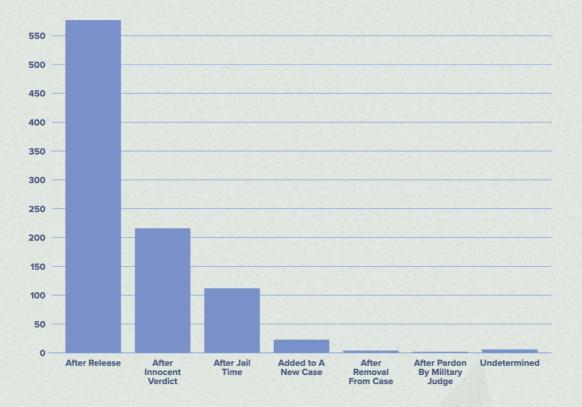
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## According to the first official entity after a release verdict or an innocent verdict or carrying out the full sentence:

- a) Public Prosecutor: 494 cases
- b) National Security Supreme Court: 447 cases
- c) 425 victims were from Al Sharqiya governorate at 45% from the total reported cases of rotational detention and 398 cases were presented to the prosecution and 264 cases were referred to court and were sentenced to be released or are still under temporary detention in 134 cases.

#### Classification of types of Rotational Detention is as follows:

- Rotation after sentence of release: 577 cases
- Rotation after innocent verdict: 216 cases
- Rotation after fulfilling sentence: 112 cases
- Added to a new charge: 23 cases
- Rotation after removal from charge: 4 cases
- Rotation after pardon from Military Judge: 2 cases
- Undetermined: 6 cases







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#### In addition to the following:

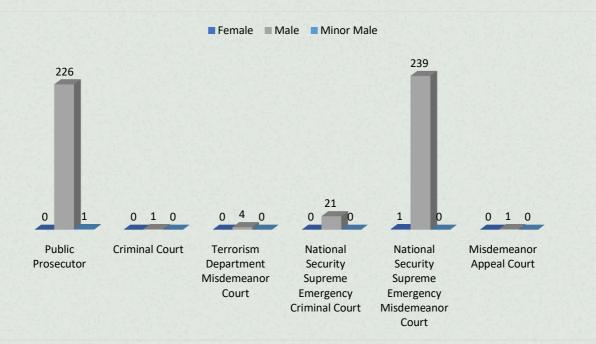
- a) 396 cases were re-presented to the public prosecutor after their sentence to be released or their cases were referred to the public prosecutor's office or found guilty or innocent
- b) 49 cases were presented to national security supreme prosecution after they were sentenced to be released or their cases were referred to the public prosecutor's office or found guilty or innocent
- c) 75 cases were readmitted on charges under the jurisdiction of the public prosecution after they were sentenced to be released or their cases were referred to the public prosecutor's office or found guilty or innocent
- d) 392 cases were readmitted on charges under the jurisdiction of national security supreme prosecution after they were sentenced to be released or their cases were referred to the national security supreme prosecutor's office or found guilty or innocent
- e) Generally, there were 493 cases that were presented, either on their first arrest or in a later stage of rotational detention to national security supreme prosecution
- f) Also, there were 399 cases that were presented, either on their first arrest or in a later stage of rotational detention to public prosecution
- g) The number of victims that were presented to both in total either on their first arrest or in a later stage of rotational detention reached 118 victims.
- h) Generally, out of 446 cases of rotational detention that were presented to wither public prosecution or to national security supreme prosecution none were referred to any court





Regarding the public prosecutor's office, 267 cases were referred to different courts at 54% and 227 cases were sentenced to be released or are still under temporary detention as follows:

Last Official Entity	Female	Male	Minor Male		Total
Public Prosecutor	0	226		1	227
Criminal Court	0	1		0	1
Terrorism Department Misdemeanor Court	0	4		0	4
National Security Supreme Emergency Criminal Court	0	21		0	21
National Security Supreme Emergency Misdemeanor Court	1	239		0	240
Misdemeanor Appeal Court	0	1	12.34	0	1







According to a quarterly-annual division of the time of occurrence versus the first official entity it was presented to:

Quarter Annual Segment of Occurrence	National Security Supreme Prosecution	Public Prosecution	Total
Before 2018	1	9	10
1st Quarter of 2018	2	9	11
2nd Quarter of 2018	3	4	7
3rd Quarter of 2018	2	11	13
4th Quarter of 2018	1	4	5
1st Quarter of 2019	8	13	21
2nd Quarter of 2019	16	22	38
3rd Quarter of 2019	25	16	41
4th Quarter of 2019	33	25	58
Undetermined during 2019	3	7	10
1st Quarter of 2020	44	46	90
2nd Quarter of 2020	19	19	38
3rd Quarter of 2020	55	82	137
4th Quarter of 2020	205	66	271
Undetermined during 2020	0	4	4
1st Quarter of 2021	30	157	187
Totals	447	494	941

#### According to a quarterly-annual division of the time of occurrence:

Quarter-Annual Segment	Year 2016	Year 2017		Year 2018	Yea 201		Yea 2020		Year 2021	Totals
Before 2018		4	6	(	)	0		0	0	10
1st Quarter	2.65	0	0	1:		21		90	186	308
2nd Quarter		0	0	13	3	41		137	0	191
3rd Quarter	4437	0	0	5	3	38		38	0	84
4th Quarter of 2018		0	0	Į	5	58		271	0	334
Undetermined	122	0	0	(	)	9		5	0	14
Total		4	6	37	7	167		541	186	941





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#### According to the year of the first arrest:

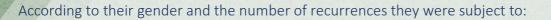
- a) 2013: 13 cases
- b) 2014: 26 cases
- c) 2015: 19 cases
- d) 2016: 54 cases
- e) 2017: 73 cases
- f) 2018: 126 cases
- g) 2019: 269 cases
- h) 2020: 166 cases

It should be noted that regarding the sentences of release issued by the 2<sup>nd</sup> sector criminal court of Cairo pertaining to 461 victims dated November 3<sup>rd</sup>, 2020 and what ensued for each victim sentenced to be released and was readmitted to new charges, we were not able to verify except that 168 victims were charged in new lawsuits as for the rest we were not able to confirm whether they were released or readmitted on new charges.

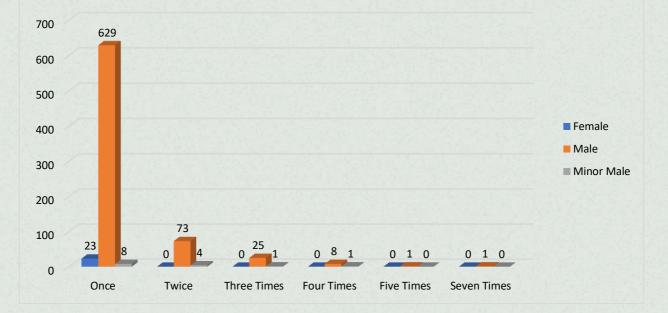
According to gender of victims included in this report 751 males and 23 females, among the males 14 were minors at the time of their arrest







Number of Occurrences	Female	Male	Minor Male	Total
Once	23	629	8	660
Twice	0	73	4	77
Three Times	0	25	1	26
Four Times	0	8	1	9
Five Times	0	1	0	1
Seven Times	0	1	0	1
Totals	23	737	14	774

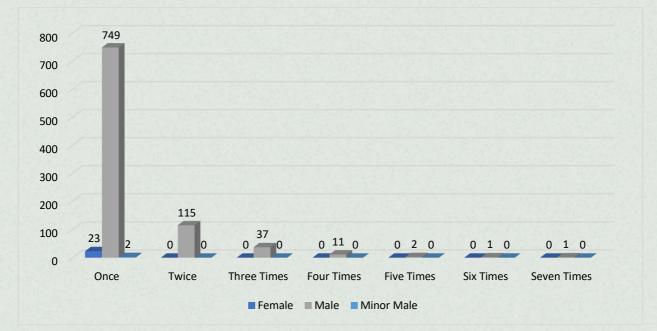






According to their gender and the number of rotational detentions they were subject to:

Number of	Female	Male	Minor	Total
Occurrences			Male	
Once	23	749	2	774
Twice	0	115	0	115
Three Times	0	37	0	37
Four Times	0	11	0	11
Five Times	0	2	0	2
Six Times	0	1	0	1
Seven Times	0	1	0	1
Totals	23	916	2	941

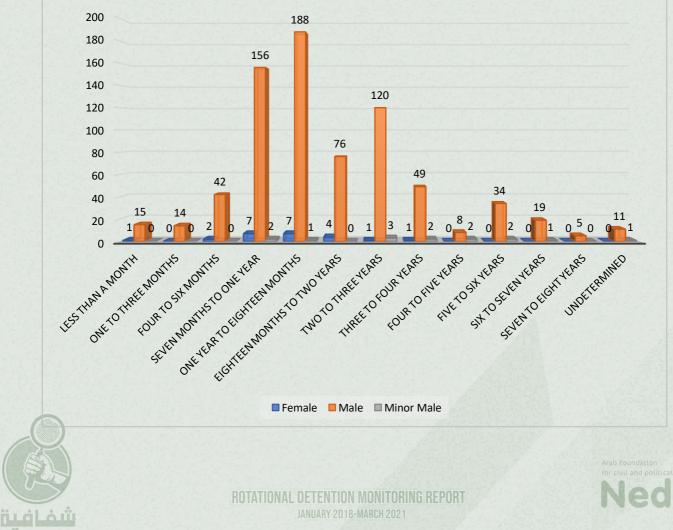






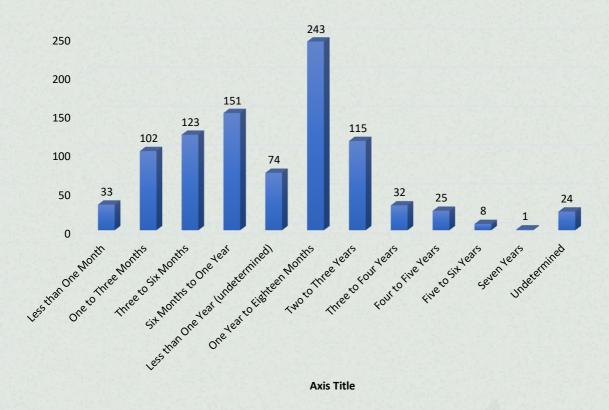
According to the gender of the total number of victims and the duration since the time of the first arrest and until the final sentence:

Total Duration of Detention	Female	Male	Minor Male	Total
Less than a Month	1	15	0	16
One to Three Months	0	14	0	14
Four to Six Months	2	42	0	44
Seven Months to One Year	7	156	2	165
One Year to Eighteen Months	7	188	1	196
Eighteen Months to Two Years	4	76	0	80
Two to Three Years	1	120	3	124
Three to Four Years	1	49	2	52
Four to Five Years	0	8	2	10
Five to Six Years	0	34	2	36
Six to Seven Years	0	19	1	20
Seven to Eight Years	0	5	0	5
Undetermined	0	11	1	12
Totals	23	737	14	774



According to the duration of detention spent after the first charge before being readmitted for other charges:

Less than One Month	33
One to Three Months	102
Three to Six Months	123
Six Months to One Year	151
Less than One Year (undetermined)	74
One Year to Eighteen Months	243
Two to Three Years	115
Three to Four Years	32
Four to Five Years	25
Five to Six Years	8
Seven Years	1
Undetermined	24







ROTATIONAL DETENTION MONITORING REPORT January 2018-March 2021 According to the duration of detention since the first arrest and the last official entity the victim was presented to:

According to last official entity victim was presented to during each rotational detention:

Public Prosecution	Criminal Court	Misdemeanor Court Terrorism Sector	National Security Supreme Emergency Criminal Court	National Security Supreme Emergency Misdemeanor Court	Misdemeanor Court Terrorism Sector	Misdemeanor Appeal Court	Ministry of Interior	Totals
15	0	0	1	18	0	0	0	34
93	0	0	3	143	0	0	0	239
24	1	0	5	39	0	0	1	70
17	0	2	9	25	0	0	0	53
4	0	0	2	3	0	1	0	10
4	0	1	0	1	1	0	0	7
5	0	0	1	9	0	0	0	15
2	0	0	0	1	0	0	0	3
63	0	0	0	0	0	0	0	63
227	1	3	21	239	1	1	1	494





## According to each rotational detention:

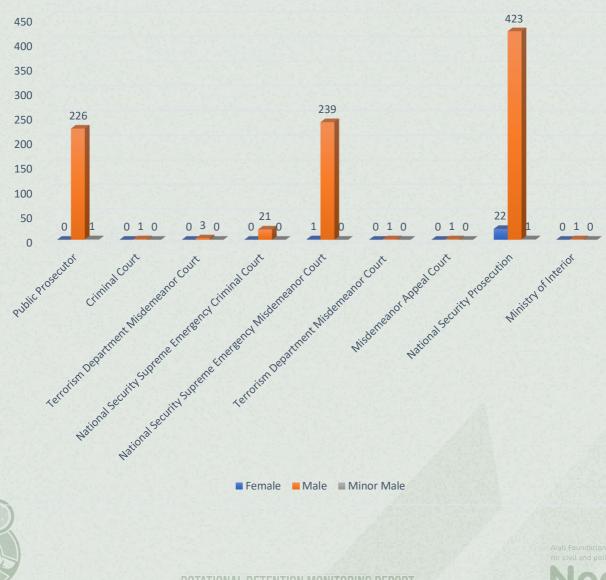
1st Rotational Detention	2nd Rotational Detention	3rd Rotational Detention	4th Rotational Detention	5th Rotational Detention	6th Rotational Detention	7th Rotational Detention	Totals
36	6	3	0	0	0	0	45
309	61	24	5	0	0	1	400
146	22	7	4	0	0	0	179
93	13	2	1	2	0	0	111
8	2	0	0	0	0	0	10
44	2	1	0	0	1	0	48
31	2	0	1	0	0	0	34
4	0	0	0	0	0	0	4
103	7	0	0	0	0	0	110
774	115	37	11	2	1	1	941





According to Gender and the last official entity the victim was presented to:

Last Official Entity	Female	Male	Minor Male		Total
Public Prosecutor	0	226		1	227
Criminal Court	0	1		0	1
Terrorism Department Misdemeanor Court	0	3		0	3
National Security Supreme Emergency Criminal Court	0	21		0	21
National Security Supreme Emergency Misdemeanor Court	1	239		0	240
Terrorism Department Misdemeanor Court	0	1		0	1
Misdemeanor Appeal Court	0	1		0	1
National Security Prosecution	22	423		1	446
Ministry of Interior	0	1		0	1
Total	23	916		2	941



TATIONAL DETENTION MONITORING REPOR January 2018-March 2021

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According to Age Group at the time of the first arrest and the number of rotational detentions they were subject to:

Number of Occurrences	Less than 18 Years	18 to 30 Years	31 to 40 Years	41 to 50 Years	51 to 60 Years	More than 60 Years	Undetermined	Totals
One Time	8	93	33	20	22	4	480	660
Two Times	4	18	3	6	5	2	39	77
Three Times	1	6	2	3	1	0	13	26
Four Times	1	3	1	0	0	0	4	9
Five Times	0	1	0	0	0	0	0	1
Seventh	0	1	0	0	0	0	0	1
Times	1.425.23.2							
Totals	14	122	39	29	28	6	536	774





According to Age Groups at the time of the first rotational detention and the number of rotational detentions they were subject to:

Number of Occurrences	Less than 18 Years	18 to 30 Years	31 to 40 Years	41 to 50 Years	50 to 60 years	51 to 60 Years	More than 60 Years	Undetermined	Totals
First Time	2	115	49	28	1	28	12	539	774
Second Time	0	32	5	9	1	8	3	57	115
Third Time	0	11	3	3	1	2	0	17	37
Fourth Time	0	5	1	0	1	0	0	4	11
Fifth Time	0	2	0	0	0	0	0	0	2
Sixth Time	0	1	0	0	0	0	0	0	1
Seventh Time	0	1	0	0	0	0	0	0	1
Totals	2	167	58	40	4	38	15	617	941

#### According to Profession:

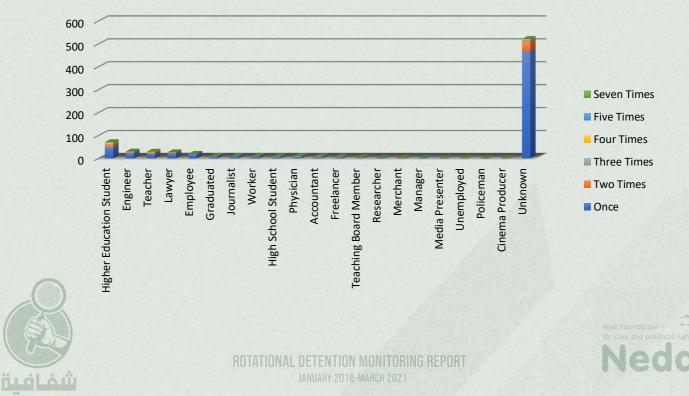
- a) 257 victims' professions were monitored out of 774 victims at 33.2% as follows:
- b) Higher Education Student: 71 cases
- c) Engineer: 30 Cases
- d) Teacher: 29 Case
- e) Lawyer: 27 Case
- f) Governmental Employee: 16 Cases
- g) University Graduate: 9 Cases
- h) Journalist: 9 Cases
- i) Physical: 9 Cases
- j) Worker: 9 Cases
- k) High School Student: 8 Cases
- I) In addition to three researchers and five university staff members and a TV presenter and Movie Producer.





#### According to number of occurrences and Profession at the time of the first arrest:

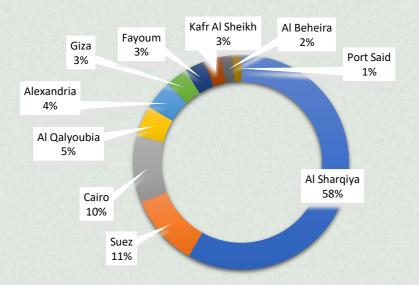
Occupation	Once	Two Times	Three Times	Four Times	Five Times	Seven Times	Total
Higher Education Student	47	11	6	5	1	1	71
Engineer	23	4	3	0	0	0	30
Teacher	20	6	2	1	0	0	29
Lawyer	22	5	0	0	0	0	27
Employee	19	1	0	0	0	0	20
Graduated	8	1	0	0	0	0	9
Journalist	9	0	0	0	0	0	9
Worker	8	1	0	0	0	0	9
High School Student	6	1	1	0	0	0	8
Physician	7	0	1	1	0	0	9
Accountant	5	1	2	0	0	0	8
Freelancer	5	1	1	0	0	0	7
<b>Teaching Board Member</b>	3	2	0	0	0	0	5
Researcher	3	0	0	0	0	0	3
Merchant	2	1	0	0	0	0	3
Manager	2	0	0	0	0	0	2
Media Presenter	1	0	0	0	0	0	1
Unemployed	0	1	0	0	0	0	1
Policeman	1	0	0	0	0	0	1
Cinema Producer	1	0	0	0	0	0	1
Unknown	468	41	10	2	0	0	521
Total	660	77	26	9	1	1	774



#### Residential Governorate:

According to the geographical distribution we were able to verify the governorates of 551 cases out of the 774 cases at 74.4%, as follows:

Governorate	Number of Victims				
Al Sharqiya	301				
Suez	56				
Cairo	52				
Al Qalyoubia	24				
Alexandria	23				
Giza	17				
Fayoum	16				
Kafr Al Sheikh	13				
Al Beheira	9				
Port Said	7				







#### Last Legal Standpoint reached:

According to the last official entity that the victim was presented to and the last verdict reached for the first arrest:

Last Official Entity	Innocent	Carried out Sentence	Temporary Detention	Released	Released on Parole	Removed from Charge	Totals
National Security Supreme Prosecution	0	0	5	259	139	6	409
<b>Public Prosecution</b>	0	0	0	87	9	0	96
National Security Supreme							
Emergency Misdemeanor Court	68	13	0	1	0	0	82
National Security Supreme Emergency Criminal Court	34	18	0	0	0	0	52
Criminal Court	8	19	0	2	0	0	29
military Criminal Court	15	12	0	0	0	0	27
Terrorism Department of Criminal Court after Appeal	12	2	0	0	0	0	14
Terrorism Department of Criminal Court	3	9	0	0	0	0	12
Public Prosecution after Military Criminal Court	0	0	0	5	0	0	5
Misdemeanor Court	4	0	0	0	0	0	4
Appeal Court	0	3	0	1	0	0	4
Terrorism Department of Misdemeanor Court	0	0	0	3	0	0	3
<b>/lisdemeanor Appeal Court</b>	3	0	0	0	0	0	3
Military Appeal Court	0	2	0	0	0	0	2
Terrorism Department of Misdemeanor Court	0	1	0	0	0	0	1
Misdemeanor Continued after Appeal Court	0	1	0	0	0	0	1
National Security Supreme Prosecution after Military Criminal Court	0	0	0	1	0	0	1
Totals	147	80	5	359	148	6	745





Arab Foundation for civil and political rights As for the case of more than 10 case studies in which the victims were subject to rotational detentions after they were sentenced to be released or reached a verdict of innocence or carried their out their sentenced after found guilty, as follows:

- a) Both Cases numbers 1413 for the year 2019 National Security Supreme which is a copy of case 1338 for the year 2019 National Security Supreme 144 counts
- b) Case number 549 for the year 2020 National Security Supreme: 34 victims
- c) Case number 1739 for the year 2018 National Security Supreme: 19 victims
- d) Case number 316 for the year 2017 National Security Supreme: 18 victims
- e) Case number 488 for the year 2019 National Security Supreme: 12 victims
- f) Case number 724 for the year 2016 National Security Supreme and stated to lawsuit number 64 for the year 2017 Military Criminal Court North-Cairo District: 11 victims
- g) Case number 760 for the year 2017 National Security Supreme: 10 victims
- h) Case number 7709 for the year 2016 Benha 1<sup>st</sup> District Misdemeanor Court: 10 victims
- i) Case number 16456 for the year 2014 Hehia District Criminal Court: 9 victims
- j) Case number 570 for the year 2018 National Security Supreme: 9 victims
- k) According to the most cases to which the victims were added to the charges after they were sentenced to be released or reached a verdict of innocence or carried their out their sentenced after found guilty, as follows:
- I) Case number 810 for the year 2019 National Security Supreme: 19 victims
- m) Case number 855 for the year 2020 National Security Supreme: 16 victims
- n) Case number 1021 for the year 2020 National Security Supreme: 15 victims
- o) Case number 800 for the year 2019 National Security Supreme: 15 victims
- p) Case number 1413 for the year 2019 National Security Supreme which is a copy of case 1338 for the year 2019 National Security Supreme: 14 victims
- q) Case number 1055 for the year 2020 National Security Supreme: 11 victims
- r) Case number 750 for the year 2019 National Security Supreme: 10 victims
- s) Case number 65 for the year 2021 National Security Supreme: 10 victims
- t) Case number 1022 for the year 2020 National Security Supreme: 9 victims
- u) Case number 8557 for the year 2019 Al Montazah Second District Administrative Court and stated to lawsuit number 1202 for the year 2020 Al Montazah Second District Criminal Court: 9 victims





Statistical representation according to classification and background of arrest/charges: Generally, we were able to monitor the specific charges and the nature of the basic arrests for 579 victims at 77.8%, and found as follows:

- a) Joining an entity (Terrorist group/banned group/illegally founded group): 245 victims
- b) Group Protest: 173 victims
- c) Abetting armed groups: 49 victims
- d) Electronic post: 40 victims
- e) National security issue: 27 victims
- f) Journalist report: 17 victims
- g) Fund: 14 victims
- h) Destruction of infrastructure: 9 victims
- i) Political Party activity: 3 victims
- j) Undetermined: 167 victims

Noting that in many cases there is no comparison between the charge of joining an entity and charges like group protest or electronic post and if you would like to know more details about the systematic approach as per charge, please get in contact with us

According to the rotational detention based on the charges themselves:

There was no categorization of the charges themselves due to lack of basis for the readmitted charges bearing in mind that in some cases it is unclear due to the aforementioned reasons regarding the scarcity of statements and the authorities not officially announcing the details of the charges and instead has to be collected from lawyers and human rights associations.

Also please note that joining an entity charge means joining of an entity whether it has been named like ISIS and Al Nosra etc. or has not been named by has been described as a terrorist group or illegally founded group or a banned group or by distributing ideas or participation or funding any of these groups in achieving their purpose

Category of Charge	Number of Cases				
Joining an Entity	493				
Cases of Public Prosecution	230				
Cases of National Security Supreme Prosecution	210				
Electronic post	70				
Protest	38				
Total	1041				

## Conclusion:

This monitoring report is basically a way to document the new violation that has been going on for a while without being noticed internationally as it has been going on within the borders of the law. The government institutions have been going under the blanket of the law for a long time. This report is a beginning of more legal and statistical studies concerning this new violation.



If you would like to receive the details of the different cases and their studies or the methodology and any specifics regarding this report and each individual arrest or charge or the scripts of the courts and the verdicts of release and the sources, please do not hesitate to contact us:

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