

## **Egypt: Coronavirus pandemic serves to escalate suppression...**

### **"About using the coronavirus pandemic to increase violations of prisoners' rights"**

#### **Introduction**

Thanks to the coronavirus pandemic, 2020 is so different from the previous years; as many countries have taken a lot of varying and comparable measures to confront this disease either by announcing a complete shut-down, a curfew, or a partial lockdown, in addition to ordering the release of detainees, for fear of the outbreak of the disease and to control the spread of the virus. But the matter in Egypt differs significantly. Since the global outbreak of COVID-19 pandemic, the Egyptian authorities have expanded their crackdown on prisoners – particularly prisoners of conscience- instead of releasing them along with those arrested for minor legal infractions. In other words, detainees have been further denied family visitation and their detention renewal has been considered and extended in many cases in the absence of their lawyers, without hearing their defense or allowing them to communicate with their clients, and even without bringing defendants themselves from their jail to the courthouse to attend their detention renewal sessions.

Consequently, there have been mounting demands in Egypt made by political activists, lawyers, and those who are concerned with issues of a public affair to immediately release detainees, particularly those held in opinion cases; for fear of the spread of such rampant disease among them, and also for fear of spreading infection among those dealing with inmates including: prison officials, police personnel, lawyers, prosecutors and judges, which might make matters worse especially in light of the poor health conditions in the Egyptian prisons and the inadequate, almost non-existent, health care provided to detainees.

This paper attempts to shed light on how the Egyptian state deals with coronavirus, noting that the pandemic should have been addressed by the government using much wisdom and flexibility, instead of exploiting it to impose further repression or commit further human rights violations, and thus triggering more tension within Egyptian society as a result of some repressive policies that would further fuel anger and hostility between the authorities and those concerned with freedoms and the rule of law.

#### **First: A partial lockdown then opening-up, arresting citizens, and conducting illegal on-paper detention renewals**

To limit the spread of the coronavirus pandemic, the Egyptian state first carried out the partial lockdown measures and ordered the suspension of hearings and court proceedings, but the arrest of citizens did not stop. It imposed a curfew from 6pm to 6am- which deemed useless since peak workload periods and the potential risk factors for infection increase in the morning of course and not at night- and closed restaurants, public parks and cafes. It also banned festivals and all private and public events and suspended family visitation in prisons in an attempt to control the pandemic.

However, such measures didn't prevent coronavirus from spreading in Egypt; for according to the Egyptian Ministry of Health's reports, there had been an increase in the number of Covid-19 infections and deaths during that period. Surprisingly, the coronavirus was not a deterrent, at all, for the Egyptian security services- especially the National Security Apparatus, or as it is known as "The State Security Apparatus"- to halt their violations against citizens. This apparatus (National Security) didn't hesitate to arrest, hide and intimidate citizens, including- of course-political activists and lawyers. Adding to the farce, National Security personnel began to arrest the doctors who complained about the government's measures in dealing with the pandemic, especially after Egypt's cabinet decided on March 10, 2020 to take a number of legal measures against those who "spread false news and rumors" regarding the government's response to COVID-19 and the number of the virus' infection cases.

As a result, those who speak about or discuss the state's response to the coronavirus and how the Egyptian regime deals with it have become now the target of the National Security apparatus. Examples of those who were arrested or abused because of what they published about the state's handling of the pandemic are many. To name but a few:

### **1- Human rights lawyer Mohsen al-Bahnasi:**

He was arrested near his house in Cairo on 27 March 2020 before he was taken to an unknown destination; because of some posts he shared on his personal page on the social networking website "Facebook", in which he was calling for the release of detainees held in opinion cases for fear of the spread of the coronavirus in prisons. Thereafter, on 28 March 2020, he appeared before the State Security Prosecution as a defendant in the Case No. 558 of 2020 State Security, on charge of: joining a terrorist group, spreading false news, and misusing social media to disseminate this false news. The Prosecution then decided to hold him in pretrial detention for 15 days pending probe. It is noteworthy that Mohsen al-Bahnasi did not appear before the State Security Prosecution except for one time on the day of his interrogation. He had been held in harsh conditions in pretrial detention owing to the Ministry of Interior's decision to ban family visits in prison, as part of the measures taken to control the spread of the coronavirus. He had remained on remand for 5 months during which his detention was extended just on paper, in violation of the Egyptian Constitution and the Criminal Procedure Code. Then, on 24 August 2020, the Terrorism Circuit at Cairo Criminal Court decided to replace his preventive detention with precautionary measures.

### **2- Journalist and researcher Shaimaa Samy**

Shaimaa Samy is a young Alexandrian freelance journalist and former researcher for the Arabic Network for Human Rights Information (ANHRI). She was arrested from her home in Alexandria on 20 May 2020 and was taken to an unknown destination. She had been missing for 10 days until she appeared at the State Security Prosecution's headquarters where she was interrogated over the Case No. 535 of 2020 State Security on charges of joining a terrorist group, spreading false news, and misusing social media. She was then ordered to be held in detention pending investigations in this case. It's worth mentioning

that Samy appeared only twice before the investigating authority during the period from last May 30, 2020 until the end of October 2020. She has been denied family visits and prevented from communicating with her family and lawyers until the moment, despite the fact that she suffers from several health problems, as she previously mentioned in a special session before the judge of the Criminal Court's Fifth Terrorism Circuit, and it was the second- and last- time she appeared before a judge or prosecutor. During this time, the judge decided to renew her detention for further 45 days, to complete now more than five months in pretrial detention without single evidence that she committed such crimes, except for some unsubstantiated investigative reports that merely express the opinion of the officers conducting them, and cannot be the base over which one is sent to prison as stated by the Court of Cassation.

### **3- Professor Laila Sueif, her sister Ahdaf Sueif, Dr. Rabab Al-Mahdi and activist Mona Seif**

They were all arrested on 19 March 2020 after they organized a protest in front of the Council of Ministers building to demand the release of those in detention to reduce overcrowding in prisons in order to control the spread of the pandemic. As a result, they were arrested and interrogated pending the Case No. 1909 of 2020 Qasr al-Nil Misdemeanor. Then they were all released on bail of 500 EGP, except Laila Sueif who was interrogated one more time by the State Security Prosecution in connection with Case No. 535 of 2020 State Security before she was released later on.

The Case No. 535 of 2020 State Security, which is known in the media as "The Coronavirus Case", is the first of its kind in the Supreme State Security Prosecution, over which a large number of citizens, activists, lawyers and doctors have been interrogated in connection with the dissemination of false news on the coronavirus pandemic. It is also the case in which journalist Shaimaa Samy, activist Nermin Hussein, worker Yasser Antar Abdel-Latif, along with a number of other citizens, are under investigation so far, and over which professor Laila Sueif was released after being interrogated.

There are also other cases in which a large number of Egyptian citizens were arrested and detained over the same aforementioned charges, such as the Case No. 558 of 2020 which involves lawyer Mohsen Al-Bahnasi and activist Aya Kamal, in addition to the doctors who were arrested after reporting confirmed coronavirus cases in Alexandria's El-Shatby Hospital and were accused of "spreading false news" and "misusing social media", joining a long list of pretrial detainees held over fabricated accusations in extremely harsh conditions without receiving visits or having any contact with the outside world.

### **4- Late journalist Mohamed Monir**

On 15 June 2020, late journalist Mohamed Monir was arrested from his family's house at Sheikh Zayed in October City, 24 hours after he published a video of a security force storming his house in Al-Haram district. According to a statement issued by his family, Monir was taken to an unknown place and later appeared at the State Security Prosecution to be interrogated pending investigations in Case No. 535 of 2020, before the Prosecution

decided to hold him in detention for 15 days pending probe. Monir had been held at Talbiya Police Station for several days, before he was transferred to the Tora Prison Hospital due to his poor health condition and to conduct the necessary medical examination and checkups.

On 27 June 2020, the State Security Prosecution decided to renew the Monir's detention for 15 days without bringing him from his jail and in the absence of his defense lawyer.

On 2 July 2020, the State Security Prosecution ordered the journalist's release under the guarantee of his place of residence. As soon as the decision was issued and after the completion of his release procedures, Monir left the Tora prison hospital and went back to his home.

However, on 4 July 2020, journalist Mohamed Monir announced in a live video post on his Facebook page that his health condition is constantly deteriorating and that he tested positive for the coronavirus, to be placed afterwards, on July 7, at one of Agouza district's quarantine hospitals where he died of complications from COVID-19 on the 13<sup>th</sup> of July 2020, after contracting the virus in jail right after his arrest.

### **Second: Ordering detention renewals without hearing the defendants and lawyers' statements, and sometimes in the defendants' absence despite their presence inside the courthouse**

This pandemic showed the ugly face of the security authorities and how they treat pretrial detainees as if they are mere numbers in a long list of people who do not have any constitutional or legal rights. All those arrested in the recent period, i.e. after the spread of the coronavirus pandemic, appeared only once before the investigating authority during their interrogation at the State Security Prosecution. This is because all the detention renewal sessions have been conducted just on paper in the absence of the accused persons and without allowing their lawyers to present their defense. Adding to the farce, the accused person might have his detention renewed in his absence despite the fact that he is present in the Prosecution's custody. His detention might be extended on paper without appearing before the prosecutor and without meeting with his lawyer, as happened with journalist and researcher Shaimaa Samiy, human rights lawyer Mohsen al-Bahnasi, worker Yasser Antar Abd al-Latif, activist Nermin Hussein, and the late journalist Mohamed Monir, and many others, in violation of the Criminal Procedure Law and its Articles No. 142, 143 Procedures.

### **Third: Refraining from transferring defendants to the courthouse and denying them family visits, in spite of the opening-up of state institutions amid the pandemic**

With the advent of summer, the Egyptian state decided to open all venues and forms and fields of life after imposing a partial lock-down due to the spread of the coronavirus. However, this didn't help in ending the phenomenon of "security pretexts" which had been rampant before the emergence of the epidemic.

With every occasion, the Ministry of Interior and the Prison Authority still invokes the impossibility of transferring the accused to the court or the prosecution's headquarters to

consider his detention renewal or trial session- especially those detained in connection with political and opinion cases- using flimsy reasons that are not based on a single legal ground, while, on the other hand, they don't refrain from transferring the accused criminals to the different courts during or after the height of the pandemic, a matter that consolidates the double standards policy and undermines the myth of blind justice.

Furthermore, the policy adopted by the Egyptian government in dealing with pretrial detainees, which involves the denial of visits for long periods of time that may reach more than five months without replacing this right with the right to make a phone call which is considered the most basic of the rights stipulated in the law, indicates the abuse and the arbitrariness practiced by the authorities to deliberately clamp down on prisoners of conscience and detainees. This can be obvious after the Ministry of Interior issued a decision to resume prison visits via telephone reservation, when the visit permission can be booked by a phone call once a month for only first-degree relatives and the duration of the visit will be 20 minutes.

Regarding this matter, the Ministry of Interior has put forward telephone numbers for booking visits that are available for only one person per month, a matter that many families complained about especially that many of these phone calls are not answered when they are dialed, not to mention the false information shared by the Prison Authority about the whereabouts of their relatives, which makes the matter worse!

## **Conclusion**

The crackdown and abuse practiced against detainees and their families in light of the coronavirus pandemic can be attributable to how the authorities interpret and use the Public Prosecutor's statement issued on March 28 (1). ANHRI believes that the Ministry of Interior considers this statement as a green light to clamp down on any one who speaks out about the state's handling of this pandemic. The statement said: "Further to our previous statement about the Public Prosecution's response to false news, data and rumors about the emerging coronavirus and in implementation of the provisions of the Penal Code articles, we note that in case of creating, running, or using any of the websites or personal accounts on the Internet to publish and promote these false news, data and rumors or facilitate its dissemination, a penalty will be imposed and it amounts to imprisonment of no less than two years and a fine of not less than 100,000 EGP and not more than 300,000 EGP. This is pursuant to the provisions of Article 27 of Law No. 175 of 2018 Regarding Anti-Cyber and Information Technology Crimes, in addition to the consequential penalties for confiscating tools, machinery, equipment and devices used in committing the crime; pursuant to the provisions of Article 38 of the aforementioned law. If this crime is proven with the aim of: disturbing the public order, endangering the safety and security of society, or harming the country's national security or its economic condition, preventing or obstructing the public authorities from carrying out their duties, or disrupting the provisions of the constitution, laws or regulations, or harming the national unity and social peace, a penalty of high-security prison will be imposed pursuant to Article 34 of the aforementioned law."

Nevertheless, the Egyptian state shouldn't deem every expression of an opinion or discussion on important issues in the public arena as a threat to its security and thus take more repressive measures to further control and silence the Egyptian street to impose the one-opinion policy, which triggers more tension and anger within society. We, hence, are attempting in this paper to shed light on some of such flawed practices with the purpose of exposing them, perhaps we can find someone who would try to fix such policies and restore rights to their holders. It would be hard for Egyptian society to find itself squeezed between a pandemic that threatens its public health and practical life activities on one hand and arbitrary and repressive measures that undermine its freedom, dignity and rights on the other hand. Someone must be there to address these violations and attempt to properly enforce the law.

### **Recommendations**

- The Ministry of Interior must implement the law and allow family visitation in prisons, so that families of detainees can be reassured and check on their relatives' conditions, pursuant to the Prisons Authority Law and the executive regulations thereof.
- The Public Prosecutor must implement the law and order the release of those arrested because of their views on how the country handles the coronavirus pandemic.
- The Public Prosecutor must, in accordance with his powers granted to him by the Constitution and the law, instruct prosecutors to conduct periodic inspections of the National Security agencies' headquarters, where hundreds of citizens might be illegally detained in contravention of the Constitution and the law.

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### Footnotes

- (1) 'Al-Masry Al-Youm' news website. A new report entitled "2 year prison sentence and a fine of 300 EGP for anyone who publishes false news about coronavirus"-  
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<https://www.almasryalyoum.com/news/details/1630961>