

# Egypt's Justice Newsletter

Issue No. 2: From 17 to 23 June 2021

An experiential version (1)

## First: The most important justice news in a week "From 17 to 23 June 2021"

- 1- The Emergency State Security Misdemeanors Court sentenced **researcher Ahmed Samir Santawi** to 4 years in prison for allegedly publishing false news and statements that harm Egypt at home and abroad, an exceptional ruling that deprives him of appeal and cassation. (Ruling)
- 2- On the day the human rights lawyer **Zyiad El-Eleimy** completes his two-year pretrial detention, he continues to be interrogated pending Case No. 930 of 2019 Supreme State Security, instead of being released for reaching the maximum limit of pretrial detention period. (Investigation)
- 3- Ordering the release of **a woman and her son** with their place of residence guarantee and **another citizen** on bail in connection with a complaint filed by Al-Gharbyia Governor accusing him of defamation and misuse of an online account. (Release order)
- 4- Shelving the investigation against 4 NGOs in connection with Case No. 173 of 2011, known in the media as "closure of civil society". (The court ruled there's no basis for filing a lawsuit)
- 5- The administrative judiciary in Alexandria stipulates the right of a wife to obtain a birth certificate for her children, on her own, and without the husband's consent. (Administrative Judiciary)
- 6- Turning down two lawsuits and banning the two parties "Bread and Freedom" and "Strong Egypt". (Administrative Judiciary)
- 7- A decision to establish 8 new central prisons. (legislation)

## Second: Details monitoring justice news this week:

### 1- Investigations

19 June 2021

- 1- After an enforced disappearance of varying lengths, the State Security Prosecution interrogated **37 citizens** from different governorates on charges of joining a terrorist group, publishing false news and statements, and misusing social media.
- 2- The Hahya Prosecution in Sharqia Governorate interrogated **Abdul-Galil Selim al-Maghrabi** on charges of joining a terrorist group

21 June 2021

- 1- Tanta Prosecution interrogated **3 citizens** in Case No. 6039 of 2021, El-Mahalla El-Kubra Administrative for allegedly insulting and defaming the governor of Gharbia via messages on his WhatsApp.

23 June 2021

- 1- The Supreme State Security Prosecution completed investigations with **human rights lawyer Ziyad El-Eleimy** in connection with Case No. 930 of 2019 Supreme State Security, noting that by the end of this day, he would be completing two years behind bars obliging the Public Prosecution to release him by force of law for reaching the maximum period of preventive detention.

## 2- Detention renewals

19 June 2021

- 1- Derb Prosecution considered the detention renewal session for **4 citizens**, based in Al Sharqiya governoratem, pending investigations on charges of joining a terrorist group..

20 June 2021

- 1- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit considered the detention renewal of **228 citizens** pending cases (No. 811 of 2020, 750 of 2019, 662 of 2020, 630 of 2017, 585 of 2020, 570 of 2020, 570 of 2018, 563 of 2019, 517 of 2020, 502 of 2020, and 473 of the year 2014, 467 of 2020, 311 of 2019, 288 of 2015, 1225 of 2020, 1055 of 2020, 1022 for 2020).

21 June 2021

- 1- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit considered the detention renewal of **289 citizens** in cases (No. 977 of 2017, 960 of 2020, 955 of 2020, 90 of 2021, 880 of 2020, 865 of 2020, 810 of 2019, 773 of 2020, 65 of 2021, 566 of 2020, and 383 of 2021, 376 of 2012, 316 of 2017, 240 of 2021, 238 of 2021, 1196 of 2020, 1107 of 2020, 1053 of 2020).
- 2- The Mansoura Criminal Court considered the detention renewal of **Mohamed Adel** in Case No. 4118 of 2018 Sherbin Administration on charges of publishing and broadcasting false news and statements, misusing social media, and joining a terrorist group.

22 June 2021

- 1- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit considered the detention renewal of **290 citizens** in cases (No. 970 of 2020, 706 of 2019, 680 of 2020, 674 of 2019, 649 of 2020, 640 of 2018, 551 of 2019, 535 of 2020, 1956 of 2019, 1552 of 2018, 1475 of 2019, 1365 of 2018, 1075 of 2020, 1054 of 2020).
- 2- The Zagazig Criminal Court considered the appeal submitted by **Quranist teacher Reda Abdel Rahman** challenging his detention renewal order in connection with Case No. 3418 of 2020 Kafr Saqr Emergency State Security Misdemeanor, for allegedly joining ISIS terrorist organization.

## 3- Release orders

17 June 2021

- 1- Muharram Bey Prosecution ordered the release of **13 citizens** under the guarantee of their place of residence pending Case No. 4675 of 2021 Muharram Bey administrative, in which they face charges of demonstrating, gathering, displaying force, bullying, and sabotaging public facilities.

20 June 2021

- 1- Cairo Criminal Court ordered the release of **two citizens** with precautionary measures pending Case No. 467 of 2020 State Security.

21 June 2021

- 1- Cairo Criminal Court ordered the release of **16 defendants** pending Case No. 880 of 2020 State Security with precautionary measures.
- 2- Tanta Prosecution ordered the release of citizen **Mona Salah Mostafa and her son** under the guarantee of their place of residence in connection with Case No. 6039 of 2021 El-Mahalla El-Kubra Administrative.

22 June 2021

- 1- Cairo Criminal Court ordered the release of **one citizen** with precautionary measures pending Case No. 535 of 2020 State Security.
- 2- Cairo Criminal Court ordered the release of **one citizen** with precautionary measures pending Case No. 680 of 2020 State Security.
- 3- Cairo Criminal Court ordered the release of **5 citizens** with precautionary measures pending Case No. 1956 of 2019 State Security.

23 June 2021

- 1- The appeals judge at Tanta Court ordered the release of citizen **Mohamed Hassan Mohamed** on bail of EGP 10,000 pending Case No. 6039 of 2021 El-Mahalla El-Kubra Administrative in which he is accused of insulting Gharbyia Governor.

#### **4- Shelving/Settling the investigations**

20 June 2021

- 1- The investigative judge mandated by the Ministry of Justice to preside over the Case No. 173 of 2011, known in the media as "closure of civil society", ruled that there is no basis for filing a criminal case against 5 institutions (NGOs); four of which for lack of sufficient evidence: (Regional Center for Research and Consultations, the Arab Law Bureau, the One World Foundation for Development and Civil Society Care, and ACT organization ), while the investigation was concluded for the fifth institution "The Arab Council for Supporting Fair Trial and Human Rights (ACSFT)" for insignificance.

#### **5- Set free**

22 June 2021

- 1- The Gharbyia Security Directorate set free citizen **Mona Salah Mustafa and her son**, in implementation of the release order issued by the Tanta Appeals Prosecution in Case No. 6039 of 2021 El-Mahalla Al-Kubra Administrative.

#### **6- Trials**

19 June 2021

- 1- The Derb Negm Emergency State Security Misdemeanor Court in Sharqya governorate considered the trial of **17 citizens** on charges of possessing publications that incite against the state.
- 2- The Zagazig Emergency State Security Misdemeanor Court in Sharqya governorate considered the trial of **43 citizens** on charges of possessing publications that incite against the state.

20 June 2021

- 1- The Minya al-Qamh Emergency State Security Misdemeanor Court in Sharqya governorate considered the trial of **14 citizens** on charges of possessing publications that incite against the state.
- 2- The Zagazig Emergency State Security Misdemeanor Court considered the trial of **45 citizens** on charges of possessing publications that incite against the state.

22 June 2021

- 1- Cairo Criminal Court considered the retrial procedures of **3 defendants** in the case known in the media as "The cabinet incidents".
- 2- The Military Court considered the retrial of **271 defendants** in the case known in the media as "Taking pictures of Belbeis Airbase".

## 7- Rulings

20 June 2021

- 1- Cairo Criminal Court sentenced, in absentia, Tik Tok blogger **Haneen Hossam** to 10 years in high-security prison and a fine of EGP 200,000, and **Mawada El-Adham and two others**, in their presence, to 6 years in high-security prison and a fine of EGP 200,000 over human trafficking charge.

21 June 2021

- 1- Cairo Criminal Court sentenced **one defendant** to death by hanging and **two others** to 15 years in high-security prison on charges of joining a terrorist group and making explosives.
- 2- Cairo Criminal Court ordered the acquittal of **one defendant** in the case known in the media as "Dar al-Salam violence incidents".
- 3- Cairo Criminal Court sentenced **one defendant** to death by hanging on a charge of manufacturing explosive materials in Nasr City.
- 4- Cairo Criminal Court sentenced **one defendant** to life imprisonment in the case known in the media as "Al-Waili Terrorist Cell" .

22 June 2021

- 1- New Cairo Emergency State Security Misdemeanor Court sentenced **researcher Ahmed Samir** to 4 years in prison on charges of publishing false news and statements that harm the Arab Republic of Egypt at home and abroad, in an exceptional ruling that cannot be appealed or challenged in violation of due process and fair trial guarantees.

## 8- Administrative and Constitutional Judiciary

19 June 2021

- 1- The First Circuit of the Court of Administrative Justice in Alexandria ruled that a wife is entitled to obtain a birth certificate for her children, on her own, and without the husband's consent
- 2- The Supreme Administrative Court's parties circuit rejected two lawsuits demanding to dissolve and ban the activities of the "Strong Egypt" and "Bread and Freedom" parties, which were filed by one of the well-known political "Hesba" lawyers in Egypt.

20 June 2021

- 1- The 2<sup>nd</sup> Circuit of the Court of Administrative Justice considered the lawsuit lodged by a lawyer calling for banning Islamic studies professor Mabrouk Attyia from appearing in the media.

21 June 2021

- 1- The Court of Administrative Justice considered the Lawsuit No. 44533 of Judicial Year 75 filed by the Egyptian Iron and Steel Factory's workers demanding the cancellation of the Minister of Public Business Sector's decision No. 1 of 2021 to liquidate the factory.
- 2- The Court of Administrative Justice considered the Lawsuit No. 26731 of Judicial Year 75, which was filed by Iron and Steel workers calling for the revocation of the liquidation decision.

## 9- Legal decisions and legislation

- 1- Establishment of 8 new central prisons in 4 governorates:  
On 22 June 2021, the Minister of Interior issued 4 ministerial decisions establishing 8 new central prisons on in 4 governorates as follows:
  - Decision No. 1120 of 2021 to establish two central prisons at the Fayoum Security Directorate, namely: **Tamiya Police Station Central Prison** and **Shawashna Police Central Prison**.
  - Decision No. 1121 of 2021 to establish two central prisons at the Aswan Security Directorate, namely: the **New Aswan Police Department Central Prison**, and the **Daraw Police Station Prison**.
  - Decision No. 1122 of 2021 to establish **Zefta Central Police Department Prison** at the Gharbia Security Directorate, provided that its jurisdiction includes the Zefta Police Department.
  - Decision No. 1123 of 2021 stipulating the establishment of 3 central prisons in the Kafr El-Sheikh Security Directorate: the **First Kafr El-Sheikh Central Police Department Prison**, the **2<sup>nd</sup> Kafr El-Sheikh Police Department Prison**, and the **Bella Central Police Department Prison**.

### Final comment:

- The detention renewal of nearly 853 defendants during the past week highlights the prevalence and proliferation of the pretrial detention phenomenon; turning it to be a tool of punishment upon which thousands of citizens languish behind bars for several months or even years without having their investigation completed by the Public Prosecution as part of its constitutional and legal duty, and without bringing them to fair and objective trial to settle their cases and have their matter adjudicated by court.

- The ruling issued by the Emergency State Security Misdemeanors Court sentencing researcher Ahmed Samir Santawi to 4 years in prison for allegedly "publishing false news that harm Egypt at home and abroad" came to deepen the crisis of the police crackdown and blockade of freedom of opinion and expression in Egypt. It also shed light on the issue of the exceptional trials that undermine the foundations of a fair trial by depriving the accused of the right to appeal or cassation.
- In the same context, the decision to detain a citizen from El-Mahalla Al-Kubra region- which is based on an official report submitted against him by the Governor of Gharbia; against the backdrop of a "WhatsApp" message the citizen sent to the official blaming him for the gross neglect that struck the public roads and facilities in the city of El-Mahalla Al-Kubra-confirms not only the authorities' resentment and rejection over any participation of citizens in matters of their public affairs, but also their resort to punishment using pretrial detention and the leveling of unsubstantiated accusations against those who are concerned with public affairs.
- The high-security prison sentence, which ranged from 6 to 10 years, against Mawada El-Adham, Haneen Hossam and others over the human trafficking charge, as a punishment for making and broadcasting digital content on a social media platform in the context of the Public Prosecution imposing its moral guardianship on society and its members, also raises questions about the concept and definition of "human trafficking crime" as approved by the United Nations and how the Egyptian judiciary applies it (in case of Haneen and Mawada) as well as the real intention behind punishing them with such cruelty.
- On the other hand, the verdict issued by the Court of Administrative Justice ruling that a wife has the right to obtain a birth certificate for her children came to end decades of unjustified discrimination against women, where the issuance of the birth certificate was dependent on the father or uncles or the paternal grandfather.