

EGYPT'S JUSTICE NEWSLETTER



ISSUE NO. 4: FROM 1 TO 7 JULY 2021



Egypt's Justice Newsletter

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First: The most important justice news in a week "From 1 to 7 July 2021"

- 1- After enforced disappearance of varied duration, 67 citizens appeared before the Supreme State Security Prosecution before being interrogated. (Investigation)
- 2- After exceeding the maximum period of pretrial detention for the second time within a couple of days, human rights lawyer Ziyad Al-Eleimi was summoned to the State Security Prosecution to complete the investigation pending Case No. 930 of 2019. (Investigation)
- 3- Terrorism circuits are considering the detention renewal of 1,165 citizens. (Detention renewal)
- 4- Professor Yehia Al-Qazaz insists on his views supporting the Egyptian sovereignty over Tiran and Sanafir Islands during his trial before Helwan University Disciplinary Board. (Trials)
- 5- Upholding the seizure of funds of Hassan Rateb and Alaa Hassanein. (Rulings)
- 6- The Administrative judiciary adjourned the lawsuit demanding the abolition of the agreement signed between the Egyptian state and the High Commissioner for Refugees (Administrative judiciary).
- 7- The Supreme Administrative Court triumphs over a woman by reversing the decision of the General Authority for Health Insurance to dismiss her from work due to fear of offending her co-workers after she was subjected to mass harassment on a public road. (Administrative judiciary)
- 8- The Court of Cassation establishes the principle of convicting those who participate in unauthorized protest without the need of a statement by their organizers. (Cassation)

Second: Details about the monitoring of justice news this week:

1- Investigations

1 July 2021

- 1- The Supreme State Security Prosecution interrogated 67 citizens after being forcibly missing for a varying period of time and in different governorates - on charges of joining a terrorist group, publishing false news and statements, and misusing social media.

6 July 2021

- 1- The State Security Prosecution completed the second investigation session with human rights lawyer Ziyad Al-Eleimi in connection with Case No. 930 of 2019 on charges of: colluding with a terrorist group to achieve its goals (the MB group), intentionally publishing false news and statements that incite the undermining of public peace and create a state of terror among people. This came after Al-Eleimi had already exceeded the two-year maximum period of pretrial detention.

- 2- Engineer Khaled Abdel-Hamid, who had been forcibly disappeared since 5 July 2019, appeared at Al-Aqrab maximum-security II Prison in Tora Prison Complex.

2- Detention renewals

4 July 2021

- 1- Cairo Criminal Court's 3rd terrorism circuit, convened at the counseling room, renewed the detention of 412 citizens over the following cases: Case No. 977 of 2017 (which involves journalist Gamal El-Gaml who has been ordered detained for 45 days), 975 of 2020, 970 of 2020 (which involves Amin Youssef Amin), 880 of 2020, 865 of 2020, 810 of 2019, 65 of 2021, 630 of 2017, 595 of 2021, 483 of 2021, 383 of 2021, 26 of 2021 (which includes journalist Hussein Ali Ahmed Karim, whom the court detained him for 45 days), 238 of 2021, 1226 of 2020.

5 July 2021

- 1- Cairo Criminal Court's 3rd terrorism circuit, held in a counseling room, renewed the detention of 303 citizens pending the following cases: 1898 of year 2019 (which involves lawyer Mohab El-Ebrashi), 974 of 2020, 960 of 2020, 90 of 2021, 738 of 2019, and 705 of 2019, 675 of 2019, 662 of 2020, 615 of 2020, 595 of 2021, 577 of 2020, 569 of 2020, 514 of 2019, 507 of 2020, 2007 of 2019, 1480 of 2019, 1345 of 2018, 1270 of 2019, 1235 of 2019, 1052 of 2017.
- 2- Rejecting the appeal submitted by businessman Hassan Rateb against his detention order over accusation of illegal excavation and trade of antiquities.

6 July 2021

- 1- Cairo Criminal Court's 3rd circuit, held in the counseling room, renewed the detention of 450 citizens in the following cases: 975 of 2020, 970 of 2020, 955 of 2020 (which includes photojournalist Hamdi Mukhtar), 810 of 2019, 855 of 2020, 773 of 2020, 741 of 2019 (which involves lawyer Abdel Hamid Hamdi Abdel Salam), 65 of 2021 (involves activist Nermin Hussein), 627 of 2021, 623 of 2018, 580 of 2020, 566 of 2020, 563 of 2020, 488 of 2019 (involves journalist Esraa Abdel-Fattah, lawyer Mahienour Al-Masry and Radwa Muhammad Farid Imam Hassan Imam), 441 of 2018, 376 of 2012, 277 of 2019 (involves engineer Yehyia Hussein Abdel Hadi), 1530 of 2019, 1196 of 2020 (involves Sameh Ahmed Al-Mallah), 1058 of 2020, 1018 of 2020, 1017 of 2020.

3- Release orders

4 July 2021

- 1- Cairo Criminal Court's 3rd terrorism circuit ordered the release of 17 citizens with precautionary measures pending Case No. 880 of 2020 State Security.
- 2- Cairo Criminal Court's 3rd terrorism circuit ordered the release of 4 citizens with precautionary measures pending Case No. 65 of 2021 State Security.

5 July 2021

- 1- Cairo Criminal Court's 3rd terrorism circuit ordered the release of 2 citizens with precautionary measures pending Case No. 960 of 2020 State Security.
- 2- Cairo Criminal Court's 3rd terrorism circuit ordered the release of 3 citizens with precautionary measures pending Case No. 1480 of 2019 State Security.

6 July 2021

- 1- Cairo Criminal Court's 3rd terrorism circuit ordered the release of 7 citizens with precautionary measures pending Case No. 810 of 2019 State Security.
- 2- Cairo Criminal Court's 3rd terrorism circuit ordered the release of 2 citizens with precautionary measures pending Case No. 955 of 2020 State Security.
- 3- Cairo Criminal Court's 3rd terrorism circuit ordered the release of 6 citizens with precautionary measures pending Case No. 488 of 2019 State Security.

4- Set free

2 July 2021

- 1- After 8 days of illegal detention, Al-Montazah Police Station set free citizen Islam Adel Hassan in implementation of the decision issued by Cairo Criminal Court replacing his detention with precautionary measures pending Case No. 467 of 2020 State Security.
- 2- The security authorities set free citizen Ghada Abdel-Aziz after being held for 6 months since her release order was issued by the court on 30 December 2020 ending the 3-year prison sentence she received.

5- Trials

4 July 2021

- 1- Cairo Criminal Court's 3rd terrorism circuit adjourned the trial of one defendant accused of joining the "Qadea" terrorist group so that his defense lawyers could have the chance to check the case papers.
- 2- Giza Criminal Court's 2nd terrorism circuit adjourned the trial of one defendant in the case known in the media as "The raid on Al-Ayyat Police station".
- 3- Giza Criminal Court's 2nd terrorism circuit adjourned the retrial procedures of 15 defendants in the case known in the media as "The raid on Al-Fath Mosque incidents" to check the exhibits.

5 July 2021

- 1- Al-Nozha Appellant Misdemeanor Court adjourned the second session of the appeal submitted by the Public Prosecutor against the acquittal of Administrative Prosecution Authority's Chancellor Noha Al-Imam over the accusations of verbally and physically assaulting a police officer from the court's guard and grabbing and destroying his shoulder-military rank tape and his radio.

- 2- Cairo Criminal Court convened in the Fifth Settlement considered the trial of former Housing Minister Mohamed Ibrahim Soliman and tycoon Samir Zaki along with 3 officials of the New Urban Communities Authority, accusing them of profiting and harming public funds in the case known as "the Green Belt".
- 3- Giza Criminal Court adjourned the retrial procedures of 10 defendants who were handed down sentences in absentia in the case known in the media as "Nahda Sit-in dispersal".
- 4- The Military Court considered the trial of 271 defendants in the case known in the media as "Taking pictures of Belbeis Airbase".
- 5- Helwan University's Disciplinary Board set the trial of Professor Yehia Al-Qazaz for adjudication over the two disciplinary lawsuits accusing him of insulting the President of the Republic and joining a terrorist group.

6 July 2021

- 1- Cairo Criminal Court's first terrorism circuit considered the trial of 8 defendants in the case known in the media as "Spying for ISIS".
- 2- Cairo Criminal Court, convened at Abassyia, considered the trial of former Finance Minister Botrous Ghali on a charge of intentionally damaging the funds of the Ministry of Finance, in the case known in the media as "customs corruption".
- 3- The 2nd terrorism circuit convened at the Police Cadets Institute adjourned the trial of 10 defendants in the case known in the media as "Al-Nahda Sit-in dispersal" to proceed with the case's pleadings.

7 July 2021

- 1- The first terrorism circuit at the Police Cadets Institute considered the trial of 5 defendants accused of joining a terrorist group in connection with the case known in the media as "Al-Zawyia Al-Hamra".

6- Rulings

5 July 2021

- 1- Giza Criminal Court sentenced one defendant to life imprisonment and 5 others to 10 years in high-security prison in the case publicly known as "Imbaba Terrorist Cell".
- 2- The second terrorism circuit sentenced one defendant, in absentia, to life in prison and 5 others to 10 years in high-security prison, while it referred a minor to a foster home for a period of 5 years, in the case known in the media as "Imbaba Terrorist Cell".
- 3- Cairo Criminal Court upheld the Public Prosecutor's decision to seize the funds of businessman Hassan Rateb and former MP Alaa Hassanein, along with 17 others, over accusations of excavation and trade in antiquities.

7- Administrative, constitutional judiciary and court of cassation

3 July 2021

- 1- The First Circuit of the Court of Administrative Justice at the State Council adjourned the lawsuit demanding the abolition of the agreement signed between Egypt and the High Commissioner for Refugees regarding the resettlement of refugees inside Egyptian territories and the prevention of the entry of refugees into the country. The case was postponed to the hearing of 12 August 2021.
- 2- The Supreme Constitutional Court ruled that the provision of the second paragraph of Article 18 of Law 115 of 1976 regarding the establishment of the Nursing Profession Syndicate is unconstitutional; as it stipulates for the eligibility of 100 members to challenge the validity of the General Assembly, its decisions, or the election result.
- 3- The Supreme Administrative Court rejected the appeal filed by the General Authority for Health Insurance's Board in Kafr El-Sheikh and accordingly upheld the ruling issued by the Administrative Court of Justice to cancel the Health Insurance's decision to dismiss a female worker, who was dismissed after she was exposed to harassment in the street, and as a consequence the Health Insurance board considered that the woman continuing to work in the institution would be offensive to her colleagues.

4 July 2021

- 1- The Court of Administrative Justice at the State Council adjourned the lawsuit calling for transferring the competencies of the Minister of Endowments to the Sheikh of Al-Azhar.

6 July 2021

- 1- The Court of Cassation issued a ruling that includes a legal principle that establishes to investigate the liability of those who took part in unauthorized demonstrations without the need to indicate their organizers.
- 2- The Ismailia Economic Court has officially approved the request submitted by the Suez Canal Authority to lift the precautionary seizure of the Panamanian container ship EVER GIVEN, which disrupted navigation in the canal's waterway for several days, so that it could leave the Suez Canal and complete its voyage after signing the final settlement contract Between the ship-owning company and the Suez Canal Authority.
- 3- The Court of Administrative Justice at the State Council adjourned the lawsuit filed by Sayed Mohamed Nour El-Din, in which he demands that the Parties Affairs Committee approve him as the head of the Egypt Youth Party and re-elect him for the next August 22 session.
- 4- The Economic Court adjourned the consideration of preventing the family of former President Hosni Mubarak from disposing of the funds for the next September 7 session to submit the case documents.

8- Legislation and decisions

3 July 2021

- 1- The Ministry of Interior decided to deport a Yemeni citizen outside the country for reasons pertaining to public interest, withdraw the nationality from 40 citizens, and to allow 21 citizens to acquire foreign citizenship while retaining the Egyptian nationality.

6 July 2021

- 1- The President of the Republic issued Resolution No. 299 of 2021 appointing Counselor Hussein Mustafa Fathi as head of the State Affairs Authority, as of this July 2021.

9- Judicial statements:

1 July 2021

- 1- The Administrative Prosecution decided in connection with Case No. 54 of 63 to refer the Director General of Financial Affairs at the National Media Authority and 3 officials at "Sout Al-Arab" radio station to an urgent disciplinary trial, after it was proven that they had committed serious financial and administrative violations and irregularities in addition to accusation pertaining to the damage of public money.

ANHRI's comment:

* The appearance of 68 citizens from Egypt's different governorates after varied periods of enforced disappearance indicate that this phenomenon is still ongoing and is carried out against a large number of citizens who are arrested. Among those citizens is engineer Khaled Abdel-Hamid whose family discovered his detention in the "Aqrab high-security prison 2" after two years of disappearance, during which the Ministry of Interior was keeping denial of the arrest incident, not to mention the judicial authorities' negligence in confronting this phenomenon turning a blind eye to the reports filed by the families and lawyers of the disappeared.

* The summoning of human rights lawyer and former parliamentarian Ziyad El-Elimi from his detention to the State Security Prosecution's headquarters for the second time in a few days came to raise an important question: Why did the Public Prosecution waste two whole years without taking any substantive action from the investigation procedures? This is added to the Prosecution's insistence on extending El-Elimi's detention and his co-detainees throughout this long period, so does the completion of the investigation come to legitimize the continuation of this prolonged pretrial detention which has already exceeded its legal period?

* In the same context, the detention renewal of more than 1,165 citizens and prisoners of conscience came to deepen the criminal justice crisis and the dysfunctionality of the pretrial detention file, a matter that requires the relevant official authorities to be brave and confront it instead of wasting the lives of citizens who are languishing behind bars without a court ruling.

* Helwan University's disciplinary board holding a session Monday to try Prof. Yehia Al-Qazzaz over accusation of insulting the president and joining a terrorist group will end this trial which lasted nearly two years, during which the university professor insisted on his opinion supporting the Egyptian sovereignty over Tiran and Sanafir Islands. The board's decision is due on 16 August.

* One the other hand, the Supreme Administrative Court's ruling reversing the Kafr El-Sheikh Health Insurance's decision to dismiss a female worker after she was exposed to sexual harassment in the street represents a victory for the law doing justice to a woman who is a victim of sexual harassment. The woman, noteworthy, had been subjected to mass harassment on a public road and after the Health Insurance board got to learn about the incident, they dismissed her from work claiming that her continued presence within the institution would be offensive to her colleagues.

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* A weekly newsletter that monitors the most important investigations, trials, and proceedings related to justice and respect for the rule of law, which took place during the week (from Thursday to Wednesday). It is based on the work carried out by ANHRI's Criminal Justice Program team, in addition to media reports and the news published by the Official Gazette, and concludes with ANHRI's comments and opinion on the incidents being monitored.