

EGYPT'S JUSTICE



NEWSLETTER

ISSUE NO. 6: FROM 22 TO 28 JULY 2021



ANHRI

Egypt's Justice

From 22 to 28 July 2021

"The most important investigations, trials and procedures related to justice and respect for the rule of law that took place in a week, and ANHRI's comment on them *1"

First: The most important justice news in a week (from 22 to 28 July 2021):

- 1- For the first time in 10 years, human rights lawyer Gamal Eid has appeared before the investigative judge mandated for the Case No. 173 of 2011, aka "civil society organizations". (Investigations)
- 2- Human rights lawyer Negad Al-Borai has appeared before the investigative judge in case No. 173 of 2011.
- 3- The papers of three defendants involved in the case of "assuming leadership of Al-Murabetin group" have been referred to the Grand Mufti in preparation for their execution. (Rulings)
- 4- The detention of Egyptian businessman Hassan Rateb and Former MP Alaa Hassanin has been renewed in connection with the case known in the media as "excavation of antiquities". "Detention renewal"
- 5- After being detained for 15 days, citizen Mohamed Ali Gad has been released with precautionary measures upon a court order. "Releases"
- 6- The Prime Minister defines the crimes that must be referred to the emergency state security courts "legislation"

Second: Details on monitoring justice news in a week

1- Investigation

27 July 2021

- 1- Gamal Eid, human rights lawyer and founder of ANHRI, appeared before the investigative judge of the case No. 173 of 2011, known in the media as "closure of civil society", and it was decided to complete the investigation on Sunday's session, the first of August 2021.
- 2- Human rights lawyer Negad Al-Borai appeared before the investigative judge in the case No. 173 of 2011, known in the media as "closure of civil society."

2- Detention renewal

25 July 2021

- 1- The appeals judge of South Cairo Court renewed the detention of 16 defendants in the case known in the media as "excavation of antiquities" for 15 days.

28 July 2021

- 1- The appeals judge of South Cairo Court renewed the detention of businessman Hassan Rateb in the case known in the media as "excavation of antiquities" for 15 days.

3- Release orders

25 July 2021

- 1- The security forces in Alexandria released citizen Mohamed Ali Gad in implementation of the release order issued by the 3rd terrorism circuit at the hearing of Sunda, 11 July 2021.

4- Trials

25 July 2021

- 1- Cairo Criminal Court's 1st terrorism circuit adjourned the retrial procedures of Mahmoud Ezzat, the Muslim Brotherhood's Deputy Guide, in the case known in the media as "spying for Hamas" for the hearing of 15 August 2021.
- 2- Cairo Criminal Court's 1st terrorism circuit adjourned the retrial procedures of Mahmoud Ezzat, the Muslim Brotherhood's Deputy Guide, in the case known in the media as "the raid on the Egyptian prisons" for the hearing of 15 August 2021.
- 3- Cairo Criminal Court's 3rd terrorism circuit adjourned the trial of an administrative employee working in Cairo University hospitals, on a charge of joining a terrorist group, for the hearing of 27 July.
- 4- Cairo Criminal Court's 5th terrorism circuit adjourned the trial of 103 defendants, including 40 children, in the case known in the media as "Al-Joker incidents" for the hearing of 27 July, 2021.

26 July 2021

- 1- The Military Criminal Court extended the sentencing hearing against 271 defendants involved in the case known in the media as "Taking pictures of Belbeis airbase" for 10 August 2021.
- 2- Cairo Criminal Court's 1st Terrorism Circuit adjourned the trial of 10 defendants in the case known in the media as "The killing and terrifying of citizens based in Mataryia" for the hearing of 16 August 2021.
- 3- Cairo Criminal Court's 5th Terrorism Circuit adjourned the trial of 5 defendants in the case known in the media as "Al-Murabetien Cell" for the hearing of 26 September.
- 4- Cairo Criminal Court's 5th Terrorism Circuit adjourned the trial of 4 defendants in the case known in the media as "Explosives Cell" for the hearing of 27 September.

27 July 2021

- 1- Cairo Criminal Court's 5th Terrorism Circuit set the trial of two defendants involved in the case known in the media as "ISIS- Al-Salam province" for adjudication at the hearing of 28 July 2021.
- 2- Cairo Criminal Court's 5th Terrorism Circuit adjourned the trial of 103 defendants, including 40 children, in the case known in the media as "Al-Joker incidents" for the hearing of 24 August 2021.
- 3- Cairo Criminal Court's 5th Terrorism Circuit adjourned the trial of 8 defendants in the case known in the media as "ISIS- Helwan" for the hearing of 24 October 2021.
- 4- Cairo Criminal Court's 1st Terrorism Circuit adjourned the trial of 5 defendants in the case known in the media as "Gond-Allah terrorist group" for the hearing of 13 September 2021.
- 5- Cairo Criminal Court's 1st Terrorism Circuit adjourned the trial of 12 defendants in the case known in the media as "Hisham Ashmawi Cell" for the hearing of 18 September 2021.
- 6- Cairo Criminal Court adjourned the trial of one defendant, an administrative employee in Cairo University's hospitals, on a charge of joining a terrorist group.

28 July 2021

- 1- Cairo Criminal Court's 5th Terrorism Circuit adjourned the trial of 22 defendants in the case known in the media as "ISIS- Omranyia" for the hearing of 26 September 2021.

5- Trials

25 July 2021

- 1- Minya Al-Qamh Emergency State Security Misdemeanor Court sentenced 19 defendants to 3 years in prison on a charge of possessing publications that incite against the state.

26 July 2021

- 1- Nasr City Misdemeanor Court ruled it has not (qualitative) jurisdiction to consider the libel case filed by media professional Tamer Amin for what was attributed to him of insulting (citizens of Upper Egypt) on his television program, and, accordingly, referred the case to the Economic Court.

27 July 2021

- 1- Cairo Criminal Court's 5th circuit referred the papers of three defendants involved in the case known in the media as "leading Al-Murabetein Cell" for legitimate opinion on their execution. The court then set the case for adjudication at the hearing of 25 October 2021.
- 2- Cairo Criminal Court's 5th circuit sentenced a defendant, who works as a technician in mobile phones industry, to life imprisonment on a charge of joining a terrorist group.

28 July 2021

- 1- The Court of Cassation rejected the appeal submitted by 11 defendants against the life and high-security prison sentences handed down in the case known in the media as "spying for Hamas", and accordingly upheld the rulings.
- 2- Cairo Criminal Court's 5th Terrorism Circuit sentenced two defendants in the case known in the media as "ISIS-Al-Salam" to life imprisonment while placing them in the terrorist entities.

6- Administrative and constitutional judiciary and cassation:

25 July 2021

- 1- The Second Circuit at the Administrative Court ruled to oblige the Central Administration for Censorship of Audio and Audiovisual Works (censorship of artistic works) to grant film "The Last Days of the City," which deals with the incidents of the January 25 revolution, a license to be screened inside Egypt.

26 July 2021

- 1- The Seventh Circuit (Investment) at the Court of Administrative Justice adjourned the consideration of the case demanding to halt the implementation of the decision to liquidate the Egyptian Iron and Steel Company.

27 July 2021

- 1- The Court of Cassation turned down the appeal submitted by former parliamentarian Mohamed Fouad challenging the 2020 Parliament elections in Giza's Omrania district.

28 July 2021

- 1- The First Circuit (Rights and Freedoms) at the Administrative Court of Justice adjourned the first session of the lawsuit demanding to cancel and stop the implementation of the negative decision of refraining from taking all legal measures with regard to the cancellation of all instructions, regulations and alerts, whether written or verbal, issued by all clubs, hotels and public and private establishments to prohibit veiled women from entering swimming pools with a headscarf or the so called " burkini" swimsuit. The court postponed the case for the next September 4 session.

7- Legislation and decisions

24 July 2021

- 1- Egypt's Prime Minister issued Resolution No. 1664 of 2021 identifying a set of crimes that are subject to the state of emergency, over which these crimes are referred from the Public Prosecution to the Emergency State Security courts, in accordance with the first article of the above-mentioned decision as follows:
 - Crimes stipulated in Law No. 10 of 1914 regarding gathering.
 - Crimes stipulated in Chapters One, Two, and Two (bis) of the Penal Code's second book.
 - Crimes stipulated in Articles 163 to 170 regarding disruption of transportation, and in Articles (172-174-175-176-177-179) of the Penal Code.
 - Crimes of intimidation and breach of peace "bullying" stipulated in Chapter 16 of the Penal Code's third book.
 - Crimes stipulated in Law No. 48 of 1941 regarding the suppression of fraud and cheating.
 - Crimes stipulated in Decree-Law No. 95 of 1945 on the food subsidy system (Tamween) and Decree-Law No. 163 of 1950 on Forced Pricing and Determination of Profits and the decisions implementing it.
 - Crimes stipulated in Law No. 394 of 1954 regarding weapons and ammunition.
 - Crimes stipulated in Book Three (not violating the agricultural land and preserving its fertility) of the Agriculture Law promulgated by Law No. 53 of 1966.
 - Crimes stipulated in Law No. 113 of 2008 regarding the preservation of the sanctity of places of worship.
 - Crimes related to the construction of buildings or the establishment of reconstruction works, or their expansion, elevation, modification, restoration or demolition without a license from the competent administrative authority, as well as crimes related to the establishment of reconstruction works without taking into account the technical principles established by law in the design, implementation, supervision or follow-up of implementation, or the non-conformity of the implementation with the drawings, data or documents over which the license was granted, or acts of adulteration in the use of building materials, or the use of materials that do not conform to the prescribed specifications stipulated in Articles (102 and 104) of the Building Law promulgated by Law No. 119 of 2008.
 - Crimes of manslaughter, accidental injury, forgery of railway documents, or damage to the funds of the Egyptian Railways, which are committed by railway workers during the performance of their job duties, alongside the related crimes.

- Crimes stipulated in Law No. 34 of 2011 regarding assault on freedom of work and sabotage of facilities.
- Crimes stipulated in Law No. 107 of 2013 regarding the right to public meetings, processions and peaceful demonstrations.
- Crimes stipulated in the Anti-Terrorism Law promulgated by Law No. 94 of 2015, and the second article of the Prime Minister's decision stipulates that this law applies to cases that have not been referred to the courts

25 July 2021

- 1- The Official Gazette published Resolution No. 286 of 2021 appointing Dr. Mohamed Abd al-Rahman Mohamed al-Duwaini and Dr. Fathi Othman Omar al-Fiqi as members of the Council of Senior Scholars in Al-Azhar.

ANHRI's comment:

1- The summoning of human rights lawyer Gamal Eid, the founder of the Arabic Network for Human Rights Information (ANHRI), to be questioned for the first time over the investigation in the case No. 173 of 2011, aka "closure of civil society organizations", came to end his compulsory isolation period which lasted for ten years since the start of the alleged investigation. Gamal, and others, had received orders and rulings that froze their assets and banned them from traveling under no legal ground. He also hadn't been able to challenge these trumped-up accusations. Eid and his lawyers' remarks, delivered right after the investigation, came also to confirm their previous suspicions that the National Security officer had deliberately fabricated facts against him. They also confirmed the disappearance of important papers from the investigation file that had been submitted earlier. Such things certainly assert that the objective of this case and its continuation for a whole decade is to close independent civil society organizations and crack down on its activists. On the other hand, the mandated investigative judge also began the investigation with human rights lawyer Negad Al-Borai.

2- The decision issued by the Fifth Terrorism Circuit to refer the papers of three defendants to the Grand Mufti, in preparation for their execution by hanging, confirms the Egyptian judiciary's approach adopted in recent years which is represented in the severe expansion of death sentences. Therefore, it is expected that Egypt by the end of this year will become the world's top executioner and top the list of the most countries that issue death sentences and carry out executions in the world.

3- The Egyptian Prime Minister did not miss the opportunity to take part in the assaults on justice, so he issued his executive resolution obligating the Public Prosecution to refer a set of cases to the emergency State Security courts. This decision deepens the authority of the exceptional judiciary comparing to the natural judiciary and reflects the absence of fair trial standards in such cases; as their defendants do not have the right to challenge or appeal against the rulings, except by a mere grievance considered by the military ruler, and in 99% of cases, it does not yield any result in favor of the complainant. Reading out the ministerial decision, we can find that it clearly includes all crimes related to gathering, demonstration, terrorism, transportation, construction works, railways, places of worship and agricultural lands, and others mentioned in Chapters I, II and III of the Penal Code. This means that most of the crimes will be within the jurisdiction of the exceptional judiciary, a matter that disqualifies justice from all those trials.

