

EGYPT'S JUSTICE



NEWSLETTER

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ANHRI

Egypt's Justice

From 5-18 August 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" *

First: The most important justice news in a week (from 5 August 2021 to 18 August 2021):

- 1- The Supreme State Security Prosecution completes the investigations with Dr. Abdel-Moneim Abo El-Fetouh pending Case No. 440 of 2018 State Security "Investigation"
- 2- Proceeding with the trial of human rights lawyer Zyiad El-Eleimy and journalists Hossam Moanis and Hisham Fouad and others on a charge of publishing false news and statements "Trials", and their defense team requested to disqualify the court's judges.
- 3- Ordering the acquittal of 11 police officers into their retrial on a charge of killing protesters during January Revolution 2011 "Rulings"
- 4- An exceptional visit to prison inmates on the occasion of the Islamic New Year "Prison News"
- 5- The Supreme State Security Prosecution is completing investigations with bloggers Mohamed Oxygen and Alaa Abdel Fattah, and human rights lawyer Mohamed El-Baqer in Case No. 1356 of 2019 State Security.
- 6- Ordering the release of Mostafa Zaghlol, a member of "Al-Dostor" Party, after being held in pretrial detention for a period of 3 years and 7 months "Release".
- 7- . The Fatwa and Legislation at the State Council rules that arrest and pretrial detention are considered a compelling excuse for absence from work. "Administrative Judiciary."
- 8- The Court of Administrative Justice adjourns its sentencing hearing in the case of enabling detainees to receive the coronavirus vaccine for the hearing of August 22 "Administrative judiciary."

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

1- Investigations

5 August 2021

- 1- The State Security Prosecution interrogated 30 citizens from different governorates after varied periods of enforced disappearance on a charge of joining a terrorist group, spreading false news and statements and misusing social media

10 August 2021

- 1- The State Security Prosecution completed investigations with Dr. Abdel-Moneim Abo El-Fetouh after getting him from his jail in the case No. 440 of 2018 State Security.

13 August 2021

- 1- The State Security Prosecution interrogated 74 citizens from different governorates after varied periods of enforced disappearance on a charge of joining a terrorist group, spreading false news and statements and misusing social media

17 August 2021

- 1- The Supreme State Security Prosecution completed investigations with blogger Alaa Abdel-Fattah, human rights lawyer Mohamed al-Baqer and blogger Mohamed Oxygen in Case No. 1356 of 2019 Supreme State Security.

2- Detention renewals

9 August 2021

- 1- Mansoura Criminal Court renewed the detention of activist Mohamed Adel for 45 days pending Case No. 4118 of 2018 Administrative Sherbin.

17 August 2021

- 1- The Third Terrorism Circuit at the Cairo Criminal Court, held in a counseling room at the Police Cadets Institute, considered the detention renewal of 284 citizens in the following cases: No. 810 of 2019, 755 of 2021, 662 of 2020, 656 of 2021, 65 of 2021, 623 of 2018, and 590 of 2021, 534 of 2020, 488 of 2019, 482 of 2021, 277 of 2019, 238 of 2021, 1739 of 2018, 1530 of 2019, 1365 of 2018, 1017 of 2020.
- 2- Cairo Criminal Court rejected the appeal submitted by former parliamentarian Alaa Hassanein over his pre-trial detention order in the case known in the media as the "Great Antiquities Case".
- 3- The appeals judge at Al-Salam Court renewed the detention of Mohamed Hassan Abdel-Aty, who is being held on remand pending case No. 620 of 2021 Al-Salam Administrative, for a period of 15 days.

3- Release Orders

17 August 2021

- 1- The Third Terrorism Circuit at Cairo Criminal Court ordered the release of two citizens with precautionary measure pending Case No. 65 of 2021 State Security.
- 2- The Third Terrorism Circuit at Cairo Criminal Court ordered the release of one citizen with precautionary measure pending Case No. 534 of 2020 State Security.
- 3- The Third Terrorism Circuit at Cairo Criminal Court ordered the release of 7 citizens with precautionary measure pending Case No. 488 of 2019 State Security.
- 4- The Third Terrorism Circuit at Cairo Criminal Court ordered the release of 5 citizens with precautionary measure pending Case No. 277 of 2019 State Security.

4- Set free

18 August 2021

- 1- Mostafa Zaghlol , a member of "Al-Dostor" Party, was set free after spending 3 years and 7 months at "Al-Aqrab" Prison and Al-Qanater Prison.

5- Trials

5 August 2021

- 1- Port Said Criminal Court adjourned the retrial procedures of 10 defendants in the case known in the media as "Al-Arab Police station incidents" for the hearing of 2 September 2021.

8 August 2021

- 1- The 5th terrorism circuit at Cairo Criminal Court adjourned the trial of 12 defendants in the case known in the media as "Imbaba terrorist cell" for the hearing of 9 October 2021.

9 August 2021

- 1- The 5th terrorism circuit at Cairo Criminal Court adjourned the trial of 3 defendants in the case known in the media as "Al-Waili terrorist cell" for the hearing of 13 September 2021.
- 2- The first terrorism circuit at Cairo Criminal Court adjourned the trial of 79 defendants in the case known in the media as "Al-Mansa incidents" for the hearing of 6 September 2021.

10 August 2021

- 1- The first terrorism circuit at Cairo Criminal Court adjourned the retrial procedures of 3 defendants in the case known in the media as "the cabinet incidents" for the hearing of 22 September 2021.
- 2- The Military Court adjourned the trial of 11 defendants in the case known in the media as "Al-Haram terrorist cell" for the hearing of 17 August 2021.
- 3- The Military Court considered the trial of 271 defendants in the case known in the media as "taking pictures of Belbeis Airbase".

17 August 2021

- 1- Masr Al-Qadema Misdemeanor Court adjourned the trial of human rights lawyer Ziyad El-Eleimy and journalists Hisham Fouad, Hossam Moanis and others involved in the case No. 957 of 2021 State Security, on a charge of spreading false news, for tomorrow morning to hear the Public Prosecution's pleadings.
- 2- Cairo Criminal Court adjourned the trial of 12 defendants in the case known in the media as "Hisham Ashmawi Cell" for the hearing of 30 August 2021.

18 August 2021

- 1- The 1st terrorism circuit at Cairo Criminal Court adjourned the trial of 11 defendants in the case known in the media as "Al-Murabeton Cell 2"
- 2- Masr Al-Qadeima Misdemeanor Court adjourned the trial of human rights lawyer Ziyad El-Eleimy and journalists Hisham Fouad and Hossam Moa'nis and others pending Case No. 957 of 2021 State Security on a charge of spreading false news and statements. The case was postponed to the hearing of tomorrow morning so as to carry out the procedures of the request of disqualifying the court's judges. The President of Helwan Court of First Instance set the hearing of 25 August 2021 to consider the request before the 7th (civil) Circuit at South Cairo Court of Appeal.

6- Rulings

5 August 2021

- 1- Cairo Criminal Court ordered the acquittal of 11 police officers into their retrial procedures over the suspended one-year prison sentence in the case of "killing protesters during January Revolution incidents".

9 August 2021

- 1- The 5th terrorism circuit sentenced two defendants to life imprisonment, while it ordered the acquittal of one defendant in the case known in the media as "Quantitative Committees in Al-Marg".

10 August 2021

- 1- The 5th terrorism circuit ordered the acquittal of one defendant in the case known in the media as "Boulaq al-Dakrur violence incidents".

7- Administrative, constitutional judiciary and court of cassation

7 August 2021

- 1- The Court of Administrative Justice at the State Council considered the lawsuit filed by the family of lawyer and political activist Ziyad El-Eleimy, who is being held in pretrial detention pending the case of "Hope Cell", calling on the Ministry of Interior to transfer him to a private or state-affiliated hospital for treatment, furnish his cell inside the prison, and allow him to enter the things he wants in accordance with the prison regulations

9 August 2021

- 1- The General Assembly of the Fatwa and Legislation Departments at the State Council issued a judicial fatwa in which it concluded that a public employee in the localities of the Abu Hammad Center in Sharqia governorate has the right to return to his work and to rescind the decision to terminate his service for his absence from work; since he was under arrest/detention during his absence or interruption of work. The fatwa considered that arrest and pretrial detention may be considered a compelling excuse for work disruptions and cannot be considered a voluntary work disruption.
- 2- The Court of Administrative Justice ruled to extend the sentencing hearing in the lawsuit demanding to enable prisoners who wish to get vaccinated be able to register their names among those requesting to receive the coronavirus vaccine. The case was postponed to the hearing of 22 August 2021.

14 August 2021

- 1- The Court of Administrative Justice set the lawsuit filed by the Egyptian Center for Economic and Social Rights demanding to oblige the ambulance authority to set a fair charge for the services it provides in proportion to its nature and the circumstances of the patients who receive the service, for adjudication. The lawsuit also calls for abolishing the prices approved by the Egyptian Ambulance Authority in its board of directors meeting No. 13 which was held on August 24, 2019.

18 August 2021

- 1- The Commissioners Authority of the Supreme Constitutional Court postponed the consideration of the two lawsuits demanding to claim the unconstitutionality of Article 375 bis and Article 375 bis (a) of the Penal Code added by Decree-Law No. (7) of 2011, which is known as Bullying Articles, to the hearing of 10 October.
- 2- The Commissioners Authority of the Supreme Constitutional Court set the hearing of 10 October to consider the appeal demanding to claim the unconstitutionality of the

first paragraph of Article 875 of the Civil Code and the second paragraph of Article 3 of Personal Status Law No. 1 of 2000, and the nullification of Article 1 of Law No. 25 of 1944. (Inheritance Law).

8- Legislation and Resolutions:

8 August 2021

1. The President of the Republic issued Resolution No. 333 of 2021 extending the service of Osama Mounir Mohamed Rabie, Chairman of the Board of Directors of the Suez Canal Authority and Managing Director for one year.

9 August 2021

- 1- The President of the State Council issued a decision to establish new circuits in the Court of Administrative Justice in Cairo, with its headquarters in the General Court building in Giza, to be specialized in handling administrative disputes pertaining to medical treatment costs at the expense of the state, as well as patients' transportation expenses, for those whose administrative dispute falls within the jurisdiction of the Court of Administrative Justice.

10 August 2021

- 1- The President of the Republic issued a republican resolution stating that: the Egyptian Dar al-Ifta is considered one of the bodies of a special nature. The new decision rules that Article No. 17, which stipulates that appointment to leading and supervisory management positions shall be carried out through a competition whose details are revealed on the portal website or published in two widely circulated newspapers- including job-related data, may not apply to the Dar al-Ifta.

The decision also involves the non-applicability of Article 20, which stipulates for the expiry of the period of occupying leading and supervisory positions by the expiration of the period specified in the decision to occupy them unless it is issued to renew it, and after this period comes to an end, the employee occupies another position whose level is not less than the level of the position he was occupying, only in case he was a state employee before he held one of these jobs.

9- Judicial statements:

7 August 2021

1. The Public Prosecution issued a statement affirming that a police assistant has been imprisoned for four days on accusation of intentionally killing two brothers in the Shebin al-Qanater Center in Qalyubia governorate, urging citizens to abide by the official methods in restoring rights and to resort to the competent authorities based under the rule of law and not to follow crowds and gathering nor infringe on public and private property.

10- Prison news:

6 August 2021

1. The Ministry of Interior decided to allow prison inmates an exceptional visit on the occasion of the Islamic New Year. The visitation is allowed during the period from August 10 to September 9.

9 August 2021

1. Businessman Tag al-Din Abdullah Abdel Qader Allam passed away inside his prison. It is noteworthy that Allam had been imprisoned in relation to Case 930 of 2019 and then was recycled (added to a new case) over Case No 955 of 2020.

14 August 2021

1. The Community Protection Sector of the Ministry of Interior announced directing a medical convoy to (Gamasa Prisons Area - Shebin El-Koum Prison), which included various specialties, in addition to a pharmacy to dispense the necessary medicines. Inmates were also subjected to medical examination and the necessary medicines were dispensed for all due cases.

One last comment:

- The State Security Prosecution summoning Dr. Abdel-Moneim Abo El-Fetouh from his jail to complete investigation with him pending Case No. 440 of 2018 State Security, before returning him back to his cell to continue serving the pretrial detention period issued in connection with Case No. 1781 of 2019, means that the 70-year-old has just spent four years in pretrial detention without trial.

- Lawyer and former MP Ziyad El-Eleimy and journalist Hisham Fouad and their defense lawyers have submitted a request to disqualify the judges presiding for their trial in connection with Case No. 957 of 2021, after they expressed their sense of lack of impartiality and continue to move on the legal proceedings of their request. Accordingly, the president of the Helwan Court of First Instance assigned the Seventh Circuit's judges (Civilian, South High Court of appeal) to consider their request at the hearing set for August 25.

- The Court of Administrative Justice extending the sentencing hearing in the lawsuit demanding to enable detainees and prison inmates who wish to be vaccinated for Covid-19 for the 22nd of August, in conjunction with the postponement of lawyer and former MP Ziyad El-Eleimy's lawsuit demanding to be transferred to a hospital to check his poor health condition and furnish his cell in prison in accordance with the Prison regulations, came to reflect the extent of the suffering experienced by detainees who demand to claim their rights guaranteed to them by law and the regulations established for prisons.

- The Supreme State Security Prosecution summoning activist Alaa Abdel-Fattah, human rights lawyer Mohamed Al-Baqer and blogger Mohamed Ibrahim (Oxygen) to complete the investigation with each of them individually for about 6 hours, in some of what was attributed to them for posting certain topics on the social networking website "Facebook", caused a great astonishment; as the three detainees have been in the custody of the Public Prosecution since 2019 when the investigation was initiated under No. 1356 of 2019. And throughout this long period, they haven't been questioned nor confronted with the aforementioned Facebook posts, which their lawyers deemed as premises to bring their clients to urgent trial before the emergency State Security courts on charges of deliberately spreading, at home and abroad, false news, rumors and statements.