

EGYPT'S JUSTICE



NEWSLETTER

ISSUE NO. 7 :FROM 29 JULY TO 4 AUGUST 2021



Egypt's Justice Newsletter

From 29 July to 4 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 29 July 2021 to 4 August 2021)

- 1- Investigations and adjournments by the investigative judge in the "Civil society closure" Case (Investigations)
- 2- 68 citizens have appeared after enforced disappearance, interrogated by the State Security Prosecution (Investigations)
3. Dr. Abdel Moneim Aboul Fotouh has been summoned from his jail to the State Security Prosecution (Investigations)
4. The Third Terrorism Circuit resumes detention renewal sessions after the Aid Al-Adha vacation (Detention renewals)
5. The Court of Cassation has rejected the Public Prosecution's appeal against the acquittal of Aya Hegazy and the Belady Foundation (Rulings)
6. The Supreme Administrative has established 9 key points for renewing religious discourse, while urging the Gulf States to unite with Egypt to renew the discourse, or it will face extremism (Administrative judiciary)
7. The President of the Republic ratifies the law regarding the dismissal of state employees upon non-disciplinary method along with the amendments of the parliament's bylaws (Legislation)
8. Researcher Ahmed Samir El-Santawy has ended a hunger strike that lasted for more than a month (prison news)

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

1- Investigations

29 July 2021

- 1- The investigative judge mandated by Cairo Court of Appeal interrogated human rights lawyer Hossam Bahgat, founder of the Egyptian Initiative of Personal Rights (EIPR), pending Case No. 173 of 2011 State Security, known in the media as "closure of civil society", on charges of: establishing and managing an entity with the aim of "working to change the mental image of citizens and inciting them against national institutions, especially the police, the judiciary and the armed forces."
- 2- After completing the investigation for the third time, the investigative judge mandated by the Cairo Court of Appeal interrogated feminist activist Mozn Hassan, founder of Nazra Center for Feminist Studies, in Case No. 173 of 2011, known in the media as "closure of civil society", while assigning a tax re-examination committee.

31 July 2021

- 1- The State Security Prosecution interrogated 67 citizens from different governorates, after they appeared after they had remained under enforced disappearance for varying periods. They are charged with joining a terrorist group, publishing false news and statements, and misusing social media.

1 August 2021

- 1- The Supreme State Security Prosecution interrogated citizen Abdullah Taha Mohamed al-Taweel - after an enforced disappearance that lasted two years and two months - in Case No. 991 of 2021 State Security on charges of joining a terrorist group with knowledge of its purposes. He was then ordered detained for 15 days.
- 2- The Supreme State Security Prosecution interrogated citizen Mahmoud Magdy Mohamed Faraq - after an enforced disappearance that lasted two months - in Case No. 991 of 2021 State Security on charges of joining a terrorist group with knowledge of its purposes. He was then ordered detained for 15 days.

3 August 2021

- 1- The investigative judge mandated by Cairo Court of Appeal informed human rights lawyer Gamal Eid, the executive director of the Arabic Network for Human Rights Information (ANHRI), of the postponement of his investigation session in Case No. 173 of 2011, aka "closure of civil society", for the second time without setting a future date .

4 August 2021

- 1- After nearly 4 years, the Supreme State Security completed investigations with Dr. Abdel Moneim Aboul Fotouh, head of Strong Egypt Party, in Case No. 440 of 2018 State Security on charges of establishing and leading a terrorist group and spreading false news and statements.

2- Detention renewal

1 August 2021

- 1- The third terrorism circuit at Cairo Criminal Court, convened in a counseling room, renewed the detention of 65 citizens in the following cases: 955 of 2020, 865 of 2020, 810 of 2019, 657 of 2021, 656 of 2021, 65 of 2021, 628 of 2021, 627 of 2021, 626 of 2021, 620 of 2021, 444 of 2018, 238 of 2021, 1360 of 2019.

2 August 2021

- 1- Mansoura Criminal Court postponed the consideration of the detention renewal of activist Mohamed Adel for a week pending Case No. 4118 of 2018 Sherbien Administrative, for his lawyers to attend, after the security forces brought Adel from his jail in Mansoura prison after 3 pm.

3- Release orders

3 August 2021

- 1- Fayoum Police Center released citizens Karim Rabea Zeidan after being held in detention for 7 days, as per a decision by Fayoum Prosecution to release him on bail pending Case No. 6365 of 2020 Sanhour Administrative.

4- Trials

1 August 2021

- 1- The 2nd Terrorism Circuit at Giza Criminal Court adjourned the trial of 47 defendants including Hassan Malek's brother in the case known in the media as "Smuggling wanted men from Cairo Airport" to the hearing of 4 September.
- 2- The 1st Terrorism Circuit at Cairo Criminal Court adjourned the trial of 11 defendants in the case known in the media as "Al-Murabetein Cell" to the hearing of 18 August.

2 August 2021

- 1- Giza Criminal Court's 2nd terrorism circuit adjourned the trial of 20 defendants accused in the case known in the media as "Rabaa Sit in dispersal" to the hearing of 2 October 2021.
- 2- Cairo Criminal Court's 1st terrorism circuit adjourned the trial of 215 defendants accused in the case known in the media as "Helwan Brigades" to the hearing of 13 September 2021.

3 August 2021

- 1- The 2nd Terrorism Circuit at Giza Criminal Court adjourned the retrial procedures of 10 defendants in the case known in the media as "Rabaa Sit-in dispersal incidents" for the hearing of 3 October 2021.
- 2- The Economic Court set the lawsuit demanding to seize funds of former MP Alaa Hassanein in the case known in the media as "the archaeological excavations" for adjudication at the hearing of 8 September 2021.
- 3- Cairo Criminal Court's 1s Terrorism Circuit adjourned the trial of 8 defendants in the case known in the media as "spying for ISIS " for the hearing of 23 August 2021.

5- Rulings

1 August 2021

- 1- The Court of Cassation rejected the appeal submitted by the Public Prosecution against the acquittal of Aya Hegazy, head of "Belady Foundation", 7 years after issuing the ruling in the case that dates back to 10 years ago during which the activist had been held in detention until she was later released.

3 August 2021

- 1- The 2nd Terrorism Circuit at Giza Criminal Court sentenced one defendant to 15 years in high-security prison while it ordered the acquittal of other defendant into their retrial procedures in the case known in the media as "the raid on Atfih Police Station".

6- Administrative and Constitutional Judiciary and Cassation:

1 August 2021

- 1- The Supreme Administrative Court adjourned the appeal submitted by Mohamed Morsi's sons and others demanding to reverse the first-degree ruling to cancel their membership from the Lawyers Syndicate. The appeal was postponed for the hearing of the 2nd of October 2021.

2 August 2021

- 1- The Supreme Administrative Court at the State Court rejected the appeal lodged by lawyer Mohamed Hamid Salem challenging the ruling issued by the Court of Administrative Judiciary to turn down his lawsuit demanding the establishment of a "Committee for the Prevention of Corruption" pursuant to Law 106 of 2013 regarding the prohibition of conflict of interest.

3 August 2021

- 1- The Supreme Administrative Court ruled to end the litigation in the appeal submitted against the ruling issued by the Administrative Court in Alexandria upholding the Egyptian Ministry of Endowments' decision to refuse obtaining a preacher license to a member of extremist religious currents in a mosque in Beheira governorate. The court, accordingly, set out 9 key points for the mechanisms of renewing religious discourse.

Given that it is something rare in the judiciary to tackle such issue, the newsletter lists the most important of these nine points:

First: The renewal of religious discourse must be based on the idea that Islam calls for peace on earth. Islam is a religion of goodness and peace, not a religion of violence or aggression.

Second: The renewal of religious discourse requires a re-understanding of the texts and provisions in the light of the reality of life alongside the developments that the contemporary environment creates in a manner that is commensurate with the spirit of development, which is the nature of life. In other words, it shouldn't be confined to the environment in which it was issued; i.e. 1442 years ago, without prejudice to the principles of the religion itself.

Third: Addressing the concept of "homeland" in light of defining the truth of the concept of "Islamic political thought" should be at the top of the elements of renewing religious discourse, which is the thorny dilemma and the problematic issue that cannot be solved given the dangers facing the nation.

Fourth: The renewal of religious discourse should not be confined to the Islamic nation only. Although Egypt is the heart of the Islamic world, it has to transcend the borders of its countries to the outside. Renewing the religious discourse should entail several languages, which goes in line with the international (not local) message of Islam that it should be universal and directed to all people, not just Muslims.

If the Islamic and Arab countries, especially the Gulf States, do not unite with Egypt in its attempts to renew the correct religious discourse and align their strategy with it, they will inevitably attain a measure of this extremism and terrorism since terrorism has not homeland.

Fifth: The renewal of religious discourse must be based on moderation of the approach without exaggeration or negligence, meaning that the renewal of religious discourse must be in alignment with hearts and minds even if they receive it with satisfaction and acceptance. It should also be characterized by diversity for all groups of society shouldn't be limited to only one group.

Sixth: The discourse of religious renewal must address modern technology and give weight in its tools to the international information network "the Internet", which has become the language of the age, so as to guide human societies to truth, justice and peace.

Seventh: The renewal of religious discourse requires confronting thought with thought, especially the youth, in addition to teaching young people the spirit of tolerance and moderation.

Eighth: The renewal of religious discourse must depend on the fact that religion is not only for worship, but religion is related to treatment and the life of this world as it is linked to the Hereafter.

Ninth: Emphasis on the fact that the renewal of religious discourse is not a renewal of religion itself, but renewal of the thought itself, because thought is linked to the developments of life, and life by its nature evolves with the development of times and places.

7- Legislations and Resolutions:

29 July 2021

- 1- The Prime Minister issued Resolution No. 1693 of 2021 assigning some judges to work in the Office of State Security Affairs for a full-time period ending on 9/30/2021.
- 2- The Prime Minister issued Resolution No. 1697 of 2021, transferring the subordination of the Kom El-Dikka morgue, which is located in Alexandria Governorate and is under the authority of Egyptian Ambulance Authority, to the Forensic Medicine Department at the Ministry of Justice.
- 3- The Prime Minister issued Resolution No. 1698 of 2021 transferring the subordination of the Psychiatric Hospital of the Directorate of Health Affairs in Suez Governorate to the Ministry of Health and Population (General Secretariat for Mental Health and Addiction Treatment).

1 August 2021

- 1- The President of the Republic ratified Law No. 135 of 2021, amending some provisions of Law No. 10 of 1972 regarding the non-disciplinary dismissal of employees and the Civil Service Law promulgated by Law No. 81 of 2016.
- 2- The President of the Republic ratified Law No. 136 of 2021 amending the internal regulations/bylaws of the House of Representatives issued as per Law No. 1 of 2016.

8- Prisons news

3 August 2021

- 1- The family of researcher Ahmed Samir El-Santawy announced that his relative had ended his hunger strike, which he started on June 22 after he was sentenced to four years in prison and a fine of 500 pounds, pending Case No. 774 of 2021 State Security Misdemeanour 1ST Settlement Emergency.

Last comment:

- The investigative judge of the Case No. 173 of 2011, which is the case publicly known as "closure of civil society", postponed, for the second time in a row, the investigation with human rights lawyer Gamal Eid without even setting a date for a future session. While activist Mozn Hassan, founder of Nazra Center for Feminist Studies, declared that the judge decided to form an examination committee, activist Hossam Bahgat, founder of the Egyptian Initiative for Personal Rights, announced - by getting access to investigation paper- that he is charged with establishing and managing an entity with the aim of "working to change the mental image of citizens and inciting them against national institutions, especially the police, the judiciary, and the armed forces."

- In the same context, the Court of Cassation turned down the appeal submitted by the Public Prosecution challenging the acquittal of activist Aya Hegazy, founder of "Belady Foundation", which she received 7 years ago, when accusations were leveled against her following the January 2011 Revolution.

- The appearance of 68 defendants after a period of 26 months in enforced disappearance in the State Security Prosecution's headquarters, following their arrest, confirms the security services' continued violation of the provisions of the law and the guarantees of citizens stipulated in the constitution and the law. It also reflects the urgent need to change the belief of the security apparatus' members towards respect for the law and human rights.

- After Dr. Abdel Moneim Aboul Fotouh began his fourth year in pretrial detention, he was summoned to the State Security Prosecution headquarters to complete the investigation with him in Case 440 of 2018. This raises a question about the nature of the years he spent in pretrial detention while the investigation is still underway and the charges have yet been formed.

- The 3rd Terrorism Circuit convened at the Police Cadets Institute in Tora Complex returning to resume the detention renewal sessions in state security cases after the Eid al-Adha vacation revives the hope of thousands of prisoners of conscience and their families to receive releases and put an end to their pretrial detention periods, which in some cases lasted for many years exceeding the maximum limits stipulated by law.

- The Supreme Administrative Court deemed it not enough to uphold the administrative authority's decision not to appoint a person, who was referred to as a religious hard-liner, but also included in its ruling 9 key points and reasons for renewing the religious discourse, which some perceive as a transgression of the requirements of judicial rulings.

- The President's ratification of a law that stipulates for the dismissal of state employees upon non-disciplinary method turns a blind eye to all voices that struggled to point out its flaws and the suspicion of violating constitutional rights such as the right to work and all other voices that asset that there is no crime or punishment except upon a legal provision. The adoption of the law, indeed, brings to mind the eras of inquisitions; inspecting citizens' consciences and beliefs.

- The family of researcher Ahmed Samir Al-Santawi announced that he had ended his hunger strike after 40 full days of the strike he staged in protest against the prison sentence issued by the Emergency State Security Misdemeanor Court, whose rulings cannot be appealed against.

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