

# EGYPT'S JUSTICE



## NEWSLETTER

**ISSUE NO. 10**

**FROM 26 AUGUST TO 1 SEPTEMBER 2021**



**ANHRI**

## **Egypt's Justice in a Week**

**From 26 August to 1 September 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 6 August 2021 to 1 September 2021):**

1. The Supreme State Security Prosecution interrogated 54 citizens before it decided to hold them in remand detention on charges of joining a terrorist group “investigations”
2. The detention of a police officer (from Montazah police station) renewed on charges of assaulting a lawyer and causing severe injuries to him “detention renewals”
3. Shelving investigation with human rights lawyer Nejad Al-Borai, human rights lawyer Azza Suleiman and activist Esraa Abdel-Fattah in the case known in the media as "civil society closure"(Public Prosecution and investigative judges)
4. Freeing researcher and journalist Shaima Sami, activist Ziyad Abu Al-Fadl and YouTuber Shadi Sorour following their release order issued by the State Security Prosecution (releases)
5. Cairo Criminal Court ordered the release of 72 citizens after considering the detention renewal of 734 citizens (releases)
6. Referring Dr. Abdel Moneim Aboul Fotouh, head of the Strong Egypt Party, and his deputy, Muhammad al-Qassas, to the Emergency State Security Criminal Court to begin their trial in Case 440 of 2018 State Security (Public Prosecution and investigative judges)
7. The Public Prosecutor holds a discussion session with members of the Executive Office of the Committee for Developing the Public Prosecution’s Strategy in Digital Transformation (judicial statements)

## Second: Details on monitoring justice news this week

### **1- Investigations**

26 August 2021

- 1- The Supreme State Security Prosecution investigated 36 citizens- after arresting them from different governorates on different dates- on charges of joining a terrorist group, publishing false news and statements, and misusing social media.

28 August 2021

- 1- The first Montazah Prosecution interrogated a police officer for assaulting a lawyer at Al-Montazah police station, causing him serious injuries, and consequently he was transferred to the hospital in a critical condition.

31 August 2021

- 1- The Supreme State Security Prosecution interrogated 36 citizens- after arresting them from different governorates on different dates- on charges of joining a terrorist group, publishing false news and statements, and misusing social media.

### **2- Detention renewals:**

29 August 2021

- 1- The Third Terrorism Circuit at Cairo Criminal Court, convened in a counseling room at the Police Cadets Institute, considered the detention renewal of 229 citizens in the following cases: No. 960 of 2021, 880 of 2020, which involves linguist Ayman Abdel Muti whose detention was renewed for 45 days, 773 of 2020, 741 of 2019, which involves lawyer Abdel Hamid Hamdi (whose detention was renewed for further 45 days), No. 630 of 2018, and No. 627 of 2021.
- 2- The opposition judge at Manshya Court renewed the detention of a police officer for 15 days over accusations of physically assaulting a lawyer during his presence in Al-Montazah police station, leaving him injured.
- 3- The Zagazig Criminal Court renewed the detention of Quranic teacher Reda Abdel Rahman for 45 days pending Case No. 3418 of 2020 State Security Kafr Saqr Misdemeanor.

30 August 2021

1. The Third Terrorism Circuit at Cairo Criminal Court, convened in a counseling room at the Police Cadets Institute, considered the detention renewal of 314 citizens in the following cases: No. 880 of 2020 which involves dentist Walid Shawqi whose detention was renewed for 45 days, No. 960 of 2020, 878 of 2020, 865 of 2020, 755 of 2021, 65 of 2021, which involves activist Nermin Hussein whose detention was extended for 45 days, No. 628 of 2021, and No. 620 of 2021.

31 August 2021

- 1- The Third Terrorism Circuit at Cairo Criminal Court, convened in a counseling room at the Police Cadets Institute, considered the detention renewal of 314 citizens in the following cases: No. 955 of 2020 which involves photojournalist Hamdi Al-Zaim whose

detention was renewed for 45 days, No. 880 of 2020, 575 of 2020, 566 of 2020, 563 of 2020, 376 of 2012, 26 of 2021 that includes journalist Hussein Karim whose detention was extended for 45 days, 1196 of 2020, 1116 of 2020, 1058 of 2020, and No. 1018 of 2020.

- 2- Al-Salam Appellant Court, held in the counseling room, renewed the detention of citizen Mohamed Hassan Abdel-Aty for a period of 45 days pending Case No. 620 of 2021 Al-Salam Misdemeanor.

### **3- Release orders**

26 August 2021

- 1- Circuit 24 at North Cairo Criminal Court upheld the release order issued for student Hossam Wageeh into the case No. 96 of 2021 Qasr Al-Nil Misdemeanor.

29 August 2021

- 1- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of 20 citizens with precautionary measures pending case No. 880 of 2020 State Security.
- 2- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of 6 citizens with precautionary measures pending case No. 960 of 2020 State Security.
- 3- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of one citizen with precautionary measures pending case No. 741 of 2019 State Security.

30 August 2021

- 1- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of 6 citizens with precautionary measures pending case No. 65 of 2021 State Security.
- 2- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of 10 citizens with precautionary measures pending case No. 960 of 2020 State Security.
- 3- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of 18 citizens with precautionary measures pending case No. 880 of 2020 State Security.

31 August 2021

- 1- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of one citizen with precautionary measures pending case No. 1196 of 2020 State Security.
- 2- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of 4 citizens with precautionary measures pending case No. 1018 of 2020 State Security.
- 3- Cairo Criminal Court's 3<sup>rd</sup> terrorism circuit ordered the release of 4 citizens with precautionary measures pending case No. 955 of 2020 State Security.

### **4- Trials**

26 August 2021

- 1- The 5<sup>th</sup> terrorism circuit at Cairo Criminal Court adjourned the retrial of 6 defendants in the case known in the media as "armed cluster cells" for the hearing of 21 November 2021.

30 August 2021

- 1- The 5th terrorism circuit at Cairo Criminal Court adjourned the retrial of 12 defendants in the case known in the media as "ISIS- Al-Agouza" for the hearing of 25 October 2021.
- 2- The first terrorism circuit at Cairo Criminal Court adjourned the trial of 12 defendants in the case known in the media as "Hisham Ashmawi Cell" for 14 September 2021.

31 August 2021

- 1- The first terrorism circuit at Cairo Criminal Court adjourned the trial of 1 defendants in the case known in the media as "Al-Murabeton Cell" for 26 September 2021

### **5- Setting free:**

29 August 2021

- 1- The security forces freed researcher and journalist Shaymaa Sami after the Supreme State Security Prosecution ordered her release under the guarantee of her place of residence pending Case No. 65 of 2021 State Security.
- 2- The security forces freed activist Ziyad Abo El-Fadl after the Supreme State Security Prosecution ordered his release under the guarantee of his place of residence pending Case No. 855 of 2020 State Security.
- 3- The security forces freed Youtuber Shady Sorur after the Supreme State Security Prosecution ordered his release under the guarantee of his place of residence pending Case No. 488 of 20219 State Security.

### **6- Rulings**

28 August 2021

- 1- The 5<sup>th</sup> terrorism circuit at Cairo Criminal Court sentenced two defendants to three years in high-security prison and placed them on the terrorist entities list for a period of 5 years in the case known in the media as "ISIS-Al Nozha".

30 August 2021

- 1- The first terrorism circuit at Cairo Criminal Court sentenced one defendant to 7 years in high-security prison in the case known in the media as "Boulaq Al-Dakrur explosives Cell".

### **7- Administrative and constitutional judiciary:**

28 August 2021

- 1- The Supreme Constitutional Court turned down lawsuit No. 203 of the judicial year 36 "constitutional" challenging the constitutionality of the first and the fourth paragraphs of Article (375 bis "A") of the Penal Code, added by virtue of Decree-Law No. 10 of 2011. These two paragraphs allows doubling of the minimum and maximum penalties for beating and willful damage (felony), which are mentioned in first three paragraphs of Article 242 and the first and second paragraphs of Article 361 of the Penal Code, with regard to the crime of bullying. The two added paragraphs imposed an anti-freedom penalty on the convict while placing him under police surveillance for a period equal to the period of the sentence imposed on him, provided that it is not less than one year and not more than five years.

- 2- The Supreme Constitutional Court ruled Article (5 bis) of Law No. 35 of 1978- regarding the establishment of syndicates and the Federation of Syndicates of Acting, Film and Musical Professions- unconstitutional. The article was amended by Law No. 8 of 2003, which stipulated the imprisonment penalty on the second paragraph and the last part of the fourth paragraph of Article (5) of the same law. The court, on the other hand, rejected all other requests submitted.
- 3- The Supreme Constitutional Court rejected Case No. 99 of the judicial year 40 “constitutional”, referred by the Giza Criminal Court, requesting a ruling on the constitutionality of the provision of Article (210) of the Penal Code, which stipulated exempting perpetrators from the penalty of a felony of forgery of governmental agencies' marks, which are deemed sinful upon Article 206 of the same law, in case they inform the government of the crime before it is committed or before searching for the culprits.

1 September 2021

- 1- The Supreme Constitutional Court has set the 4<sup>th</sup> September hearing to consider the case claiming the unconstitutionality of the last paragraph of Article 1 of the law regarding the exercising of political rights, as it states that “police officers, throughout their service, are exempted from expressing opinion in every referendum provided for in the Constitution and in the election of the President and of the House of Representatives and Senate members and of local council elections”.
- 2- The Supreme Constitutional Court set the lawsuit claiming the unconstitutionality of the second paragraph of Article 6 of Law No. 47 of 1969, on the establishment of the Pharmacists Syndicate (regarding the procedures for filing grievances against the decisions issued by the Syndicate's enrolment/ registration committee), for adjudication at the hearing of September 4.
- 3- The Supreme Constitutional Court set the hearing of 4 September to consider the lawsuit claiming the unconstitutionality of Paragraph “E” of Article 502 of the Civil Code regarding cases of non-recourse to the gift.

## **8- Decisions of the Public Prosecution and investigative judges:**

30 August 2021

- 1- The investigative judge, recently mandated to investigate into Case No. 173 of 2011 known in the media as "closure of civil society", ruled that there is no legal ground for a criminal case against a number of activists and human rights lawyers: Esraa Abdel-Fattah, Nejad El-Borai, Azza Soliman, Hossam Al-Din Ali, Ahmed Ghoneim, and Magdy Abdel-Hamid, as representatives for: the United Group (Lawyers, Legal, Advisors, and Economists), Lawyers for Justice and Peace, the Egyptian Association for Community Participation Enhancement, and the Egyptian Democratic Institute.

31 August 2021

- 1- The Supreme State Security Prosecution referred Dr Abdel-Moneim Abo El-Fetouh, head of "Egypt Strong" party and his deputy Muhammad Al-Qassas along with others to the Emergency State Security Criminal Court after three years of remand detention pending Case No. 440 of 2018 State Security.

## **9- Judicial statements**

28 August 2021

- 1- The Public Prosecution posted a statement on its official page on the social networking website "Facebook" referring to the Public Prosecutor's meeting with the new female members of the Public Prosecution recently appointed pursuant to the decision of the Supreme Judicial Council, at the Public Prosecutor's Office headquartered in New Cairo.

31 August 2021

- 1- The Public Prosecution posted a statement on its official page on the social networking website "Facebook" referring to the prison sentence handed down against three defendants for kidnapping a child and detaining him in Al-Mahalla city and demanding a ransom of 2 million pounds from his family.
- 2- The Public Prosecution published on its official page on the social networking website "Facebook" about the Public Prosecutor holding a discussion session with members of the Executive Office of the Committee for Developing the Public Prosecution's Strategy in Digital Transformation.

## **10- Legislation**

30 August 2021

The Official Gazette published, in its issue No. 34 (A), a decision of the Council of Ministers, and 4 decisions issued by Prime Minister Dr. Mostafa Madbouly, as follows:

- Resolution No. 2064 of 2021 amending some provisions of the administrative and financial regulations of the Fund for Honoring Martyrs, Victims, Missing Persons, and Wounded of War, Terrorist and Security Operations and their Families, established by Law No. 16 of 2018, issued by Prime Minister's Resolution No. 2916 of 2019.

### **ANHRI's comment:**

- The appearance of 54 citizens before the Supreme State Security Prosecution for investigation, before receiving a 15-day remand detention order, confirms the expansion in the arrest of citizens solely based on investigative reports and records conducted by National Security officers.

- The Public Prosecution's positive interaction towards the Alexandria-based Montazah police station's case; in terms of the speedy conduct of the investigation proceedings and the hearing of witnesses, the accused and the victim, came to calm the nerve of the masses of lawyers who announced their rejection of the assault on the Montazah police officer while performing his duties in the department's office. As the Alexandria Bar Association's statement pointed out, the Public Prosecution's response ordering the detention of the accused officer for 4 days pending investigation has served in defusing a severe crisis that was about to break out.

- Despite the fact that the investigative judge has issued a new decision pertaining to the Case No. 173 of 2011 known in the media as "Civil Society Closure" ruling that there is no legal ground to file a criminal case against 5 activists and their institutions, the file of the unsubstantiated and the years-long pending accusations pressed against activists and human rights defenders remains outstanding, which prompted many to urge the investigative judge to quickly finish this file and issue his final decision to close the case irretrievably.

- The security authorities have implemented the sudden release order issued by the Public Prosecution for three prisoners of conscience, through negotiations conducted by the (National Dialogue) Committee with the political and judicial authorities about the

backgrounds and the reasons over which opinion-holders, journalists, researchers and bloggers are arrested in Egypt. This move proves that those pretrial detainees have no connection whatsoever with terrorist crimes, which the arrest reports and memos together with the Prosecution accusations allege they perpetrated throughout the investigation course and proceedings. It shows that the matter is only about expressing and voicing their opinions, which is the same reason for which thousands of prisoners of conscience are being held behind bars in pretrial detention.

- The release order issued by the third terrorism circuit- convened at the Police Cadets Institute- for 72 citizens, out of a total of 734 citizens held in remand detention, is just the tip of the iceberg that thousands of Egyptian families whose relatives were randomly arrested have dreamed of, only because some of them exercised their right to speak up about public affairs and express his opinion. There are thousands of citizens who had been arrested following the incidents of the mass protests in September 2020, and most of them are still in pretrial detention.

- Finally, the Public Prosecution's statement referring Dr. Abdel Moneim Aboul Fotouh, head of the Strong Egypt Party and his deputy Muhammad al-Qassas, to criminal trial pending Case 440 of 2018 came to end the no-trial state that Aboul Fotouh has experienced since his arrest in 2018, although he has already exceeded the maximum pretrial detention stipulated by law.