

EGYPT'S JUSTICE



NEWSLETTER

ISSUE NO. 19

FROM 28 OCTOBER TO 3 NOVEMBER 2021



Egypt's Justice in a Week, Issue No. 19,

from 28 October to 3 November 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 commentary on them”

First: The most important justice news in a week (From 28 October to 3 November 2021)

- 1- Summoning lawyer Ahmed Helmy for investigation on charges of insulting a judicial body during his plea in one of the detention renewal sessions “Public Prosecution's decisions”
- 2- Considering the detention renewal sessions of 688 citizens before the Giza Terrorism Circuit pending cases of the Supreme State Security Prosecution "Detention renewals"
- 3- The Fifth Settlement Emergency State Security Misdemeanor Court adjourns the trial of human rights lawyer Mohamed El-Baqer, blogger Alaa Abdel-Fattah and Mohamed Oxygen (ANHRI's client) for allegedly spreading false news “Trials”
- 4- The Supreme State Security Prosecution is interrogating 57 citizens on charges of terrorism and dissemination of false news “Prosecution investigations”
- 5- Rotation of 5 citizens in Sharqia governorate into new cases on charges of joining terrorist groups after being acquitted of the same charge of "Rotation/adding to new cases"
- 6- The House of Representatives approved the draft law amending some provisions of the Anti-Terrorism Law and some articles of the Penal Code, and the Law on Securing and Protecting Public and Vital Establishments "Legislation and decisions"
7. Lifting an order preventing the sons of former dictator Mohamed Hosni Mubarak from disposing of their money "a judicial ruling"

Second: Details on the monitoring of justice news in a week

1- Investigation

The State Security Prosecution has interrogated 57 citizens "defendants" during the week:

(13 defendants on 28 October, 33 defendants on 2 November, 11 defendants on 3 November)

2- Rotation of citizens into new cases

28 October 2021

1- Zagazig Prosecution in Sharqia governorate interrogated 2 citizens and ordered their detention for 15 days- after rotating and adding them into a new case on a charge of joining a terrorist group- after being acquitted by court.

30 October 2021

1- 10th of Ramadan Prosecution in Sharqia governorate interrogated 3 citizens and detained them for 15 days- after being rotated into a new case- after receiving a ruling of acquittal.

3- Detention renewal

1 November 2021

1- The second circuit at Cairo Criminal Court considered the detention renewal of 272 citizens in the following cases: Case No. 991 of 2021, 983 of 2021, 975 of 2020, 970 of 2020, 966 of 2021, 965 of 2021, 960 of 2020, 936 of 2021, 915 of 2021, 910 of 2021 (which involves human rights lawyer Muhammad Ramadan, who the court decided to postpone the consideration of his detention renewal due to the inability to bring him from his jail to the courthouse), 706 of 2019, 662 of 2021, 627 of 2021, 620 of 2021, 580 of 2020, 482 of 2021, 1781 of 2019 (which involves former presidential candidate Abdel Moneim Aboul Fotouh, whose detention the court decided to extend for 45 days), No. 1530 of 2019, 1450 of 2019, 1269 of 2019, 1175 of 2018.

2 November 2021

1- Cairo Criminal Court's 2nd circuit considered the detention renewal of 273 citizens in the following cases: No 966 of 2021 and 930 of 2019 (which involves human rights lawyer and former parliamentarian Ziad Al-Alimi, journalists Hisham Fouad and Hossam Mounis and activist Ramy Shaath), No. 865 of 2020, 855 of 2020 (in which ANHRI's client blogger Muhammad Oxygen and activist Sameh Seoudi are accused), No. 148 of 2017, registered under No. 812 of 2020, 800 of 2019, 483 of 2021, 470 of 2019, 441 of 2018, 277 of 2019 (which includes Engineer Yahya Hussein Abdel Hadi), No. 240 of 2021, 238 of 2021, 1356 of 2019 (which includes human rights lawyer Muhammad Al-Baqer and blogger and activist Alaa Abdel-Fattah), 1106 of 2020, 1017 of 2020 (in which journalist Sayed Abdallah is accused), No 900 of 2021, and Case No. 755 of 2021.

3 November 2021

1- Cairo Criminal Court's 2nd circuit considered the detention renewal of 143 citizens in cases 984 of 2020, 900 of 2017, 90 of 2021, 662 of 2020, 626 of 2021, 615 of 2020, 595 of 2021, 577 of 2020, and 569 of 2020. 565 for the year 2020, 514 for the year 2019, 507 for the year 2020, 2007 for the year 2019, 1898 of 2019, which includes activist Hassan Mustafa, 1480 of 2019, 1270 of 2019, 1235 of 2019, 1052 of 2020.

2- The appeals judge at North Cairo Court has renewed the detention of citizen Khaled Atef for 15 days pending Case No. 4538 of 2021 Shorabyia Misdemeanor on a charge of joining a terrorist group.

4- Release orders

1 November 2021

1- Giza Criminal Court's 2nd circuit ordered the release of one defendant with precautionary measures pending Case No. 910 of 2021 State Security

2 November 2021

1- Giza Criminal Court's 2nd circuit ordered the release of one defendant with precautionary measures pending Case No. 1106 of 2020 State Security

5- Set free

1 November 2021

1- Al-Salam Police Station set free engineer Ramy Saleh Abdo in implementation of the release order issued on 20 October 2021 in connection with Case No. 817 of 2021 Al-Salam Emergency State Security.

6- Trials

28 October 2021

1- The 1st terrorism circuit at Cairo Criminal Court adjourned the trial of 3 defendants pending the case known in the media as "The cabinet incidents" for the hearing of 8 November.

2- The 4th terrorism circuit at the Cairo Court of appeal set the retrial of 8 defendants in the case known in the media as "January resolution's 3rd anniversary incidents" for adjudication the hearing of 6 November.

31 October 2021

1- Cairo Criminal Court's 1st circuit adjourned the trial of 22 defendants affiliated with the Muslim Brotherhood group in the Case No. 840 of 2019 State Security, registered under No. 777 of 2020 State Security, for the hearing of 7 November to proceed with the pleadings.

1 November 2021

1- Giza Criminal Court has adjourned the retrial procedure of 28 defendants in the case known in the media as "Rabaa Al-Adwayia Sit-in dispersal" for the hearing of 4 December 2021.

2- The Fifth Settlement Emergency State Security Misdemeanor Court adjourned the trial of human rights lawyer Mohamed Al-Baqir and bloggers Alaa Abdel-Fattah and Mohamed Oxygen on a charge of spreading false news pending Case No. 1228 of 2021 Fifth Settlement State Security. The trial was postponed for the 8th of November 2021.

2 November 2021

1- The 2nd terrorism circuit adjourned the trial of 14 defendants in the case known in the media as "Kuwait Returnees "for the hearing of 6 December 2021.

2- The Economic Cairo Court set the trial of Hossam Bahgat, founder of the Egyptian Initiative for Personal Rights (EIPR), for adjudication at the hearing of 29 November, on a charge of insulting the National Elections Authority.

3 November 2021

1- The first terrorism circuit adjourned the trial of 10 defendants in the case known in the media as "killing and terrorizing citizens in Mataryia district".

2- Giza Criminal Court adjourned the retrial procedure of 10 defendants in the case known in the media as "Al-Nahda Sit-in dispersal" for the hearing of 7 December.

3 - Cairo Criminal Court set the trial of former Finance Minister Youssef Botrous Ghali in the case known in the media as "Custom corruption" for adjudication at the hearing of 8 December.

7- Trials

30 October 2021

1- Mansoura Criminal Court's 4th circuit sentenced two defendants to death over their accusation in a criminal court of killing a Toktuk driver to steal his vehicle and dumping his body in a canal.

2- Zagazig State Security Misdemeanor Court sentenced 7 defendants from Abo Hamad city to two years in prison.

31 October 2021

1- The first terrorism circuit at the Supreme State Security Criminal Court sentenced one defendant to 7 years in high-security prison and placed him under police surveillance for a period of 5 years into his retrial in the case known in the media as "Boulaq Dakrur explosives".

2-- Cairo Criminal Court's 1st terrorism circuit sentenced two defendants to 15 years in prison, 6 others to 10 years in high-security prison, and one defendant to 5 years, while it ordered the acquittal of one defendant and the closure of the lawsuit due to the death of a defendant in the case known in the media as "Al-Murabeiton".

2 November 2021

1- The Economic Court ruled to lift the order preventing the sons of former dictator Mohamed Hosni Mubarak from disposing of their money.

8- Administrative and constitutional judiciary:

30 October 2021

1- The Supreme Administrative Court proved that there was no appeal from the Ministry of Health and Health Insurance against the five judicial rulings issued by the Court of Administrative Justice in Alexandria, First Circuit of Beheira, stating an important principle that requires health insurance to dispense aqueous insulin, Lantus insulin, and two insulin pens, with a special pen for each type, as well as glucose meter and strips for school children suffering from diabetes, free of charge for those couldn't afford this treatment. The rulings, accordingly, have become final and non-appealable.

9- Legislation and decisions

28 October 2021

1- The Official Gazette published Presidential Decree No. 503 of 2021, regarding the appointment of Muhammad Farid Hegazy as an advisor to the President of the Republic for "Hayah Karima" initiative.

29 October 2021

1. The Prime Minister issued a Resolution that Khaled Atef Abdel Ghaffar, Minister of Higher Education and Scientific Research undertakes the responsibilities of Hala Zayed, Minister of Health and Population, until her recovery; as she requested sick leave, following the arrest of a number of officials within the ministry for bribery crimes.

31 October 2021

1- The House of Representatives, during its plenary session, approved, by a two-thirds majority, a draft law submitted by the government to amend some provisions of Law No. 136 of 2014 on securing and protecting public and vital facilities.

1 November 2021

1- The House of Representatives approved a draft law submitted by the government to amend some provisions of the Anti-Terrorism Law promulgated by Law No. 94 of 2005. The bill was approved by a two-thirds majority of the members of the parliament, as it is one of the laws complementing the Constitution.

2. The House of Representatives approved a draft law submitted by the government to amend the Penal Code. The amendments include replacing the provision of Article 80 (a) of the Penal Code, after the House finished its discussion and approval in its entirety in yesterday's session.

10- Judicial data:

31 October 2021

1- The Public Prosecutor has ordered to open an investigation into 47 tourists feeling sick after having their dinner in a hotel in Hurgada, before they were all hospitalized.

1 November 2021

1- The Public ordered a speedy completion of investigations into the killing of a victim and the injury of two others on the Ismailia highway. The Public Prosecution moved to the crime scene to inspect the incident and will announce later what the investigations will lead to.

2- The Public Prosecution conducted a preliminary examination of the burning of a garage of the Holy Family School in the Ramses district of Cairo governorate, which was set to fire yesterday, Sunday. After investigation, turned out that 4 private school buses were charred as a result of the fire causing damage and losses, and assigned the Criminal Investigation Department to quickly conduct investigations. The Prosecution ordered to unload the surveillance cameras and make a forensic lab report to explain the cause of the fire, and ordered the criminal lab to inspect the fire, explain the causes and to determine the exact damage and losses.

11- The Public Prosecution and investigative judges' decisions

2 November 2021

1- The South Cairo College Prosecution summoned Ahmed Helmy, cassation and Supreme Constitutional lawyer, for interrogation in the session of November 7, 2021, in the memorandum submitted against him by the Supreme State Security Prosecution, accusing him of insulting a judicial body during his pleadings in one of the detention renewal session of one of his clients before the Cairo Criminal Court's terrorism circuit, headed by Counselor Mohamed Kamel Abdul Sattar.

ANHRI's comment

1- Summoning lawyer Ahmed Helmy for investigation by South Cairo Prosecution for allegedly "insulting a judicial body", while carrying out his job and during his pleadings before the court's third terrorism circuit, genuinely reflects the magnitude of the risks and threats that lawyers are

subject to. Helmy is facing a charge of insulting the court because he referred, in his pleadings and defending of a pretrial detainee, to the severe shortcomings and invalidity of the investigation conducted by the Supreme State Security Prosecution, which is nothing but a common legal defense before the natural judiciary, despite the fact that lawyers may not be held accountable for what they say during his oral pleadings before courts.

2- Terrorism circuits convened at the Police Cadets Institute in Tora Prison complex continued their detention renewal sessions against 688 suspects from those who are being held in pretrial detention pending investigations conducted by the Supreme State Security Prosecution. Of them, only a very few received release orders (until the date of releasing this newsletter). They continue to endure the endless suffering from the harsh conditions of detention, although many of them have already exceeded the maximum period legally prescribed for pretrial detention.

3. The decision issued by the Emergency State Security Misdemeanors Court in New Cairo to adjourn the session while the defense lawyer was submitting his requests in the trial of activists and bloggers Alaa Abdel-Fattah and Mohamed Ibrahim "Oxygen" and human rights lawyer Mohamed El-Baqer, raises questions about the judge's refusal to authorize the lawyer and the defendants to obtain a copy of the case papers to check the evidence on which the Prosecution based the accusation of the trial, and this is a preliminary procedure that is necessary for lawyer to present any objective defense to ward off the accusation leveled against their clients. It is as if that it wasn't enough for the authorities to refer them all to trial before an exceptional court, so they made their lawyers be required to plead and defend their clients while they are not aware of the nature of the accusations in the case's indictment. Consequently, the defense team has announced they will continue insisting on their essential requests during the next session scheduled for Monday, November 8th.

4. The investigation of 57 citizens or the rotation of 5 others on accusations of joining a terrorist group and spreading false is not a new thing, as it has become a recurring and repeated feature against citizen and these accusations derived from the terrorism law have become like a memorized preamble even if the accused is illiterate.

5- The Parliament's approval of the amendments made to the Terrorism Law and some articles of the Penal Code came to confirm the penetration of the exceptional provisions of the Emergency Law which the government has announced its abolition since last October 24. These amendments allow the President, whenever a terrorist threat arises in any region, to impose a ban on the region and he is also allowed to impose any further restrictions on the region and its residents, and this may result in criminal penalties that reach imprisonment.

6- The decisions of the seizure of funds, travel bans, and security prosecutions issued against activists and human rights defenders involved in Case 173 of 2011, known in the media as "closure of civil society", without completing the investigation with them, at the time the Economic Court ruled to lift the ban imposed on the family of Mohamed Hosni Mubarak and allow them the freedom to dispose of their money, came to intensify the signs of astonishment regarding this hidden compass that controls orders or permits the prohibition and disposal of funds and any of the criteria and rules on which these orders are based.