

EGYPT'S JUSTICE



NEWSLETTER

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Egypt's Justice in a Week, Issue No. 21,

From 11 November to 17 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 11 November to 17 November 2021)

- 1- Sentencing human rights lawyer and former parliamentarian Ziyad El-Elimi to 5 years in prison, journalists Hisham Fouad and Hossam Moanis to four years in prison with labor and a fine of 500 EGP each on charges of spreading false news in the case known in the media as "Hope Coalition". (Rulings)
- 2- Rotating (adding pretrial detainees to new cases) 5 citizens from Sharqia governorate to new cases on a charge of joining a terrorist group after receiving release orders. (Rotation to new cases)
- 3- Postponing the detention renewal session of human rights lawyer Mohamed Ramadan for the fourth time due to inability to transfer him from his jail to the courthouse. (Detention renewal)
- 4- Egypt's President ratifies Law No. 149 of 2021 amending some provisions of the Terrorism Law; Articles 36 and 53 of the Anti-Terrorism Law promulgated by Law No. 94 of 2015. (Legislation and decisions)
- 5- The Egyptian Court of Cassation set the first appeals hearing challenging the death and high-security prison sentences issued in the case known in the media as "Attack on the Three Pyramids Hotel. (Trials)

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

1- Investigation

1- The State Security Prosecution interrogated 38 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

(24 defendants on November 16, 14 defendants on November 17)

2- Recycling into new cases

12 November 2021

1- Zagazig Prosecution interrogated 3 citizens pending new cases and ordered them detained for 15 days on a charge of joining a terrorist group and spreading false news and statements.

16 November 2021

1- The 10th of Ramadan Prosecution interrogated 2 citizens from Al-Husainayia pending new cases, after detaining and rotating/ adding them into new cases more than once in the 10th of Ramadan. The Prosecution decided to detain them for 15 days on a charge of joining a terrorist group and spreading false news and statements.

3- Detention renewal

14 November 2021

1- The counseling room at the criminal court convened at the Police Cadets Institute adjourned the detention renewal session of human rights lawyer Mohamed Ramadan due to inability to bring him from his jail for the fourth time in a row.

15 November 2021

1- Giza Criminal Court's 7th circuit renewed the detention of Yehia Khalaf Mohamed, founder of "Yaqeen" Network for Media Production and a client of the Arabic Network for Human Rights Information (ANHRI), for 45 days in connection with Case No. 1306 of 2020 Boulaq Dakrur on charges of joining a terrorist group.

17 November 2021

1- The appeals judge at North Cairo Court renewed the detention of citizen Khaled Atef, client of the Arabic Network for Human Rights information, for 15 days pending Case No. 4538 of 2021 Shorabyia Misdemeanor.

4- Release orders

17 November 2021

1- Dr. Ayman Mansour Nada, the head of the Radio and Television Department at the Faculty of Mass Communication at Cairo University, was released in implementation of the release order issued in connection with Case No. 23 of 2021, in which he is accused of insulting and defaming the President of Cairo University and the Mass Communication Faculty Dean.

5- Trials

11 November 2021

1- The 5th terrorism circuit at Cairo Criminal Court adjourned the trial of 5 defendants, including 4 detained in the case known in the media as "Al Murabeiton Cell" for the hearing of 11 January to hear the testimony of Hisham Ashmawy's wife.

2- The Court of Cassation extended the sentencing hearing in the appeals filed by former officer Muhammad Owais and others challenging the death and life sentences issued against the defendants in the case known in the media as "Ansar Beit al-Maqdis organization" for the November 25, 2021 session.

14 November 2021

1- Cairo Criminal Court adjourned the trial of Tiktok girl Haneen Hosam on human trafficking charges to December 20 to consider the request to disqualify the court judges.

2- The first terrorism circuit set the trial of 215 defendants in the case known in the media as "Helwan Brigades" for adjudication at the January 30 hearing.

15 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" for the hearing of 5 December for pleadings.

2- The Court of Cassation set 21 November as the first hearing to consider the appeal against the ruling issued by Giza Criminal Court in October 2019 in the case known in the media as "The attack on the Three Pyramids Hotel".

16 November 2021

1- The 1st terrorism circuit at Cairo Criminal Court set the trial of 12 defendants in the case known in the media as "Hisham Ashmawi Cell" for adjudication at the hearing of 27 December, 2021.

17 November 2021

1- The first terrorism circuit at Cairo Criminal Court set the retrial of Mahmoud Ezzat, former Deputy Guide of the MB, in the case known in the media as "breaching the Eastern borders" for adjudication at the hearing of 21 February.

6- Trials

17 November 2021

1- The Masr Qadeima Emergency State Security Misdemeanors Court sentenced former human rights lawyer and parliamentarian Zyiad El-Elimi to 5 years in prison with labor and the two journalists Hisham Fouad and Hossam Moanis to four years in prison with labor and a fine of 500 EGP each, on charges of spreading false news in the case No. 957 of 2021, in connection with case No. 930 of 2019 Supreme State Security that is known in the media as the "Hope Coalition".

2- The circuit 34 (Civil) at Cairo Court of Appeal rejected the request to disqualify the court's judges and cancel the bail into the retrial of defendant Haneen Hossam in the case known in the media as "Tik Tok girl".

7- Administrative and constitutional judiciary:

13 November 2021

1- The Court of Administrative Justice postponed the lawsuit demanding the establishment of a "DNA" bank, to change the birth certificates by adding the mother's photo, the child's footprint, and to establish a department for juvenile and abductees. The case was postponed to the December 19, 2021 session.

14 November 2021

1- The Second Circuit at the Court of Administrative Justice is considering a lawsuit filed by a lawyer demanding that the Bar Association remove Mortada Mansour, former president of Zamalek Sporting Club, from the union's general enrolment lists.

15 November 2021

1- The 2nd circuit of Court of Administrative Justice at the State Council rejected the urgent request submitted by a group of members of the General Assembly of Engineers Syndicate, and, accordingly, decided to refer the case to the State Commissioners Authority to prepare a legal opinion on the challenged decision to deduct an amount from the pension fund to establishing Badr Hospital.

2. The First Appeals circuit of the Supreme Administrative Court adjourned the appeal lodged by the National Telecommunications Regulatory Authority (NTRA), demanding to cancel and halt the implementation of the ruling issued by the Court of Administrative Justice obliging the NTRA to intervene to compel companies licensed to provide the Internet services in Egypt to block Shiite websites in general and Ibn Al-Nafis news site in particular. The case was postponed to the December 20, 2021 session.

8- Legislation and decisions

11 November 2021

1- Egypt's President issued Resolution No. 512 of 2021 to dismiss Ahmed Youssef Muhammad Ali, Assistant Public Prosecution at the Public Prosecution," from his work under no disciplinary measure.

2- Egypt's President ratified Law No. 149 of 2021, amending some provisions of the Terrorism Law, by replacing Articles 36 and 53 of the Anti-Terrorism Law promulgated by Law No. 94 of 2015. Article 36 states that it is prohibited to record, film, broadcast or airs trial sessions in terrorist crimes except with the permission of the president of the competent court, and a fine of no less than 100,000 pounds and not more than 300,000 pounds shall be imposed on anyone who violates this ban. Article 53 stipulates that the President of the Republic may issue a decision to take appropriate measures to maintain security and public order whenever a danger of terrorist crimes arises, or in case of environmental disasters. These measures include evacuating or isolating some areas or imposing curfews in them, provided that the decision includes specifying the area to which it is applied for a period not exceeding six months, as well as specifying the authority competent to issue the decisions implementing such measures.

16 November 2021

1- The House of Representatives, during its plenary session, approved a draft law on confronting pandemics and epidemics, which stipulates penalties of imprisonment and a fine for anyone who violates any of its measures and provisions of this law or the decisions implementing it.

2- Egypt's President issued Law No. 528 of 2021 removing the "public benefit" status on some different plots of land in some governorates, and Resolution No. 533 of 2021 amending Article 1 of Presidential Decree No. 466 of 2020.

3- The Official Gazette published the decision of the Ministry of Justice to restructure some disputes conciliation committees. The resolution No. 7649 for the year 2021 provides for re-formatting and re-defining the competence of the two committees of the Ministry of Tourism and Antiquities and specifying their workplaces and duties as follows:

The First Committee is concerned with disputes that arise between the Supreme Council of Antiquities and its employees. The Committee shall conduct its work at the headquarters of the Ismail Abaza Palace building, located on 3 Nubar Pasha Basha Balazoughly Street in Cairo.

The second committee is concerned with disputes that arise between the Ministry of Tourism and Antiquities and the Egyptian General Authority for Tourist Activation and their employees, and the heads of the committee shall continue to chair its sessions alternately and coordinate among them.

9- Judicial statements:

14 November 2021

1- The Public Prosecution ordered the detention of an Egyptian suspect holding Australian citizenship for four days pending probe, after accusing him of killing a woman inside a residential unit in Helwan and setting the apartment on fire. The authorities pursued the suspect and managed to arrest him after he fled abroad, upon an international arrest warrant issued in the Emirate of Dubai (UAE) before handing him over to the Egyptian authorities.

15 November 2021

1. The Public Prosecution ordered the detention of a former employee, accusing him of participating with international hackers in stealing bank clients' money in Cairo. The suspect has been ordered detained for 4 days pending investigation.

10- Prison news

13 November 2021

1. The security forces transferred 12 citizens detained at the Hahya police station to Borg Al Arab Prison.

2. The security forces transferred 38 citizens detained at Abu Kabir Police Station to Borg Al Arab Prison.

ANHRI's comment

1- The rulings handed down against Ziyad El-Eliemy, Hisham Fouad, Hossam Moanis and others are nothing but an episode of the series of the undermining of justice, which is reflected in breaching the principle of trial publicity and the secrecy of pronouncing the verdict in violation of the law which stipulates the pronouncement of court decisions since they are issued in the name of the people. Despite the fact that the aforementioned three were brought from their jail to the courthouse amidst heavy security as the courtroom was totally evacuated but them, the verdict wasn't issued in their presence. We didn't learn about the verdict except by unfamiliar ways in the justice system. In this trial, the three are accused of publishing false news that is offensive to state institutions and undermines confidence in the country's economy before both the international and local public opinion. Their trial had been referred to the Emergency State Security Misdemeanour Court, which is an exceptional court whose rulings cannot be appealed or challenged before a higher court, but is only subject to what the military ruler deems appropriate, and he is the only one who has the right to mitigate, uphold or reverse the ruling and request tougher punishment.

2- The President ratified Law No. 149 of 2021 amending some provisions of the Terrorism Law, by replacing Articles 36 and 53 of the Anti-Terrorism Law promulgated by Law No. 94 of 2015, which bans the filming, recording or broadcasting of terrorism court trials except with the permission of the presiding judge, and a fine of no less than 100,000 pounds and not more than 300,000 pounds shall be imposed on anyone who violates this ban. This law deepens the suffering of the families of those imprisoned in connection with these cases, and eliminates the principle of trial publicity (public trial sessions) which is a major guarantee of fair trial guarantees and due process, especially in light of holding these sessions and trials inside the Police Cadets Institute in the Tora Prison Complex. Furthermore, the Parliament's approval of a draft law on confronting pandemics and epidemics, which stipulates penalties of imprisonment and a fine for anyone who violates any of its measures and provisions of this law or the decisions implementing it, constitutes an alternative or a substitute for the Emergency Law that the President canceled last October.

3- Cairo Criminal Court's decision to adjourn the detention renewal session of human rights lawyer Mohamed Ramadan, who is being held in pretrial detention pending case No. 910 of 2021 Supreme State Security, for the fourth time in a row- under the pretext of the inability to transfer him from his jail in Tora Prison to the Police Cadets Institute's court complex located in Tora Prison Complex-raises doubts and questions about the Ramadan's health condition and the abuse and ill-treatment he is enduring in prison, especially since he had previously complained about his suffering from some diseases.

4- The Court of Cassation setting the November 21 session to consider the appeal of the suspects of the bombing of a tourist bus, has caused a state of prevailing anticipation; as the appeals are challenging the death sentences issued against 6 defendants, in a dangerous indication of unprecedented expansion in the use of the death penalty ahead of the end of the year.