

# EGYPT'S JUSTICE



**NEWSLETTER**

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## **Egypt's Justice in a Week, Issue No. 20,**

**From 4 November to 10 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 4 November to 10 November 2021)**

- 1- The Supreme State Security Prosecution is interrogating 34 new defendants (Investigation)
- 2- The terrorism circuits at the Police Cadets Institute is considering the detention renewal orders against 511 defendants (Detention renewals)
- 3- South Cairo Prosecution is ordering the release of Ahmed Helmi (Release orders)
- 4- New Cairo Emergency State Security Misdemeanor Court set the December 20<sup>th</sup> hearing to adjudicate over the trial of Alaa Abdel- Fattah, Mohamed Al-Baqer and Mohamed Oxygen (Trials)
- 5- Judicial decisions referring the papers of 7 defendants to the Grand Mufti in preparation for the issuance of death sentences against them
- 6- Mansoura Criminal Court sentences 7 defendants, including 4 policemen, to 7 years in prison for murdering an inmate at Gamasa Maximum-Security Prison.

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

#### **1- Investigation**

- The State Prosecution interrogated 34 citizens after their arrest on different dates and from different governorates on charges of joining a terrorist group and spreading false news, as follows:

On 7 November, 11 defendants were arrested, on 8 November, 13 defendants were arrested, and on 9 November, 10 defendants were arrested.

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

4 November 2021

1- The appeals judge at South Cairo Court considered the detention renewal of businessman Hassan Rateb on a charge of financing a gang led by the "deputy of the jinn" "Alaa Hassanein" to finance and smuggle antiquities in the case known in the media as "The Great Antiquities".

7 November 2021

1- The Fourth Circuit of Terrorism at Cairo Criminal Court considered the detention renewal of 82 citizens in the following cases: : No. 979 of 2020, 970 of 2020, 911 for of 2021, 867 of 2020, 759 of 2014, 755 of 2020, 700 of 2017, 65 of 2021, 627 of, 598 for the year 2016, 549 of 2020, 444 of 2018, 316 of 2017, 1739 of 2018, 148 of 2017, 1413 of 2019, 1338 of 2019, 1107 of 2020, and 1053 of 2020.

8 November 2021

1- Fourth Circuit of Terrorism at Cairo Criminal Court has considered the detention renewal of 177 citizens in the following cases: 919 of 2021, 864 of 2020, 647 of 2020, 570 of 2020, 558 of 2020, 335 of 2020, 33 of 2021, 1618 of 2019, 1555 of 2018, 1360 of 2019, 1109 of 2020, 1022 of 2020, 968 of 2020, 909 of 2012, 865 of 2020, 814 of 2020, 800 of 2020, 648 of 2020, 628 of 2021, 238 of 2021 (which includes Journalist Tawfiq Ghanem).

9 November 2021

1- Cairo Criminal Court's 4th terrorism circuit has considered the detention renewal of 165 citizens pending the following cases: 970 of 2020, 924 of 2021, 915 of 2021, 912 of 2021, 910 of 2021, 909 of 2021, 811 of 2020, 623 of 2018, 620 of 2021, 590 of 2021, 535 of 2020, 484 of 2021, 1617 of 2019, 1358 of 2019, 1108 of 2020, 1057 of 2020.

10 November 2021

1- The Fourth Circuit of Terrorism at the Cairo Criminal Court has considered the detention renewal of 87 citizens in the following cases: 1413 of 2019, 1116 of 2020, 1000 of 2021, 991 of 2021, 984 of 2021, 955 of 2020, 936 of 2021, 915 of 2021, 911 of 2021, 865 of 2020, 853 of 2020, 662 of 2020, 628 of 2021, 626 of 2021, 620 of 2021, 585 of 2021, 482 of 2021, 29 of 2021.

2- The Zagazig Criminal Court has considered the appeal submitted by Quranic teacher Reda Abdel Rahman against his pre-trial detention order issued in Case No. 3418 of 2020 Kafr Saqr Emergency State Security on a charge of joining a terrorist group.

### **3- Release orders**

7 November 2021

1- South Cairo Criminal Prosecution ordered the release of lawyer Ahmed Helmy under the guarantee of his place of residence over the complaint filed by the president of Cairo Court (terrorism circuit), Counselor/ Mohamed Kamel Abdel Sattar, accusing him of insulting a judicial body during a detention renewal session of state security cases at the Police Cadets Institute.

### **4- Trials**

4 November 2021

1- Cairo Criminal Court's 2<sup>nd</sup> terrorism circuit adjourned the retrial procedure of 23 defendants in the case known in the media as "Ramsis incidents" for the 8<sup>th</sup> December hearing for pleadings.

6 November 2021

1- Port Said Criminal Court adjourned the retrial procedure of 17 defendants in the case known in the media as "Al-Arab Police Station violence incidents" for the hearing of 11 December to continue the pleadings.

2- The Fifth Terrorism Circuit set the trial of 12 defendants in the case known in the media as "ISIS-Imbaba Cell" for adjudication at the hearing of 8 January.

3- Cairo Criminal Court's 4<sup>th</sup> terrorism circuit adjourned the retrial procedure of 8 defendants in the case known in the media as "The January Revolution 3<sup>rd</sup> anniversary for the hearing of 11 December to hear the testimony of the social researcher.

7 November 2021

1- The Fourth Terrorism Circuit at Cairo Criminal Court adjourned the retrial procedure of one defendant in the case known in the media as "The raid of Nasr City Police Station" for the hearing of 9 January.

2- The Fourth Terrorism Circuit at Cairo Criminal Court set the trial of two defendants in the case known in the media as "Zeitoun Cell I" for adjudication at the hearing 14 February.

3- Cairo Criminal Court adjourned the trial of 22 defendants accused of detaining and torturing a citizen and killing another one after they thought the victims were cooperating with the security forces to report against members of terrorist groups. The case was postponed to the hearing of 6 December 2021.

4- The ninth circuit at Cairo Criminal Court postponed the consideration of the appeal submitted by Esraa Abdel-Fattah against the travel ban issued by the investigating judge in the case known in the media as "closure of the civil society" for the hearing of 12 December.

8 November 2021

1- Cairo Criminal Court adjourned the retrial procedure of 3 defendants in the case known in the media as "Cabinet incidents" for the hearing of November 21, 2021.

2- Cairo Criminal Court's 1<sup>st</sup> terrorism circuit adjourned the retrial procedure of two defendants, who were sentenced in absentia to life imprisonment, in the case known in the media as "the arson of Kafr Hakim" for the hearing of 21 November 2021.

3- Cairo Criminal Court adjourned the trial of 103 defendants in the case known in the media as "Suez incidents- Al Joker Cell" for the hearing of November 20.

4- The New Cairo Emergency State Security Misdemeanor Court adjourned the trial of bloggers Alaa Abdel-Fattah and Mohamed Oxygen along with human rights lawyer Mohamed El-Baqer, on charges of publishing false news and statements in Case No. 1228 of 2021 New Cairo State Security Misdemeanor. The case was postponed to the hearing of 20 December.

10 November 2021

1- Cairo Criminal Court's 5<sup>th</sup> terrorism circuit adjourned the trial of 22 defendants, including 10 detained in the case known in the media as "ISIS-Al-Omranyia, for the hearing of 10 January to include the exhibits.

## **5- Rulings**

8 November 2021

1- The Court of Cassation rejected the appeal submitted by 18 defendants against the high-security prison sentences handed down in the case known in the media as "Gerge violence incidents".

9 November 2021

1- Cairo Criminal Court sentenced Doctor Michael Fahmy to life imprisonment while it acquitted his wife Sally Adel in the case known in the media as the "sexually assaulting underage girls".

10 November 2021

1- Al-Mansoura Criminal Court sentenced 8 lawyers to one year with force and labor and police surveillance for a similar period, while it ordered the suspension of the execution of the sentence for a period of three years, for being accused of using cruelty and violence against public officials; the Deputy Public Prosecutor at Belqas Prosecution and the Secretary of Investigation on the Prosecution for unjustifiably forcing them to refrain from performing one of their duties.

2- - The first terrorism circuit sentenced two defendants to life imprisonment and one defendant to 15 years in prison in the case known in the media as "ISIS- Al-Zawya Al Hamra".

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

4 November 2021

1- The Board of Commissioners of the Supreme Constitutional Court set the November 14 session to consider the lawsuit claiming the unconstitutionality of Article 375 bis of the Penal Code promulgated by Law No. 58 of 1937, added upon Decree Law No. 10 of 2011, known as the Bullying Article.

2. The Board of Commissioners of the Supreme Constitutional Court set the December 12 session to consider the lawsuit demanding to adjudicate on the constitutionality of Article 1 bis of Law No. 36 of 1975 regarding the establishment of the Health and Social Services Fund for members of judicial bodies, and Articles 16, 17, 18 and 19 of Law No. 90 of 1944 on judicial and documentation fees in civil cases.

6 November 2021

1-The Board of Commissioners of the Supreme Constitutional Court set the next December 12 session to consider real estate tax cases, inheritance distribution, defamation of public servants, health services for judicial bodies, and judicial fees to indicate the extent of their constitutionality.

2- The Supreme Administrative Court rejected, unanimously, rejected the appeal lodged by the Minister of Education during the ruling of former President Mohamed Morsi and upholding the ruling issued by the Administrative Court in Alexandria in March 2013 banning affiliation to the Muslim Brotherhood in universities by canceling the Minister of Education's decision to impose self-reports for the disbursement of university allowance that Morsi provided to university faculty members on the condition of holding identity cards that prove their affiliation to the Muslim Brotherhood. The ruling emphasized six principles to protect the independence of universities, which are: 1- The university allowance is a right for faculty members without restriction and it is not a grant from the minister 2- The Muslim Brotherhood had created an illegal tool that insults the pride of the university professor and degrades the position of professors among the people 3- They

usurped the authority of legislators and restricted the freedom of science, thought and creativity. Professors may not also be forced to join a particular political faction 4- University professors are not subject to the reports of the ministry, but to scientific reports and the conscience of the professorship 5- The concept of the principle of the independence of universities systematically in terms of intellectual, creative and social aspects and not only financial, administrative and scientific independence 6 Professor are main members of the university, and there is no authority over him except for his scientific conscience, and it is not permissible to control the most accurate personal data of scientists.

8 November 2021

1. The Court of Cassation postponed the appeal submitted by the brother of former Finance Minister Youssef Boutros Ghali, in connection with Case No. 8718 of 2019 Qasr El Nile against the Cairo Criminal Court's 15-year prison sentence on charges of smuggling antiquities to Europe. The case was postponed to the next March 17 hearing for pleadings.
2. The Court of Cassation rejected the appeal submitted by 18 defendants challenging the rigorous prison sentences in the case known in the media as the "Gerga violent incidents case".
3. The Economic Court in Cairo decided to postpone the appeal submitted by businessman Hassan Malik challenging the two-year prison ruling on charges of conducting banking business to the next December 14 session.
4. The Supreme Constitutional Court rejected the lawsuit claiming the unconstitutionality of Articles (1, 3, 4, 13, 16, 33, and 37) of Law No. 76 of 1970 regarding the Journalists Syndicate.

9 November 2021

1- The Supreme Disciplinary Court of the State Council upheld, in Appeal No. 130 of the Supreme Judicial Year 54, upheld the decision issued by the head of the Central Auditing Organization, which includes: punishing the head of the Personnel Affairs Sector in Qalyubia with a censure penalty after it was proven his disrespect of the sanctity of the workplace and inappropriate language used against one of his subordinates, in addition to collecting sums of money from employees to buy rugs, curtains and other things for his office.

### **7- Legislation and Resolutions:**

8 November 2021

1. The Official Gazette published, in its issue No. 234, the Consumer Protection Agency Resolution No. 115 regarding car companies and showrooms. The decision obligates car companies and showrooms to announce the prices of cars offered for sale in Arabic, with the permission to add any other languages, provided that the announcement includes the price of the car inclusive of tax and its specifications indicating the type, model, country of origin, class, and luxuries, provided that the announcement is hanged at the front windshield of the car in accordance with the specifications attached to the decision.

1- November 2021

1- 1. The Minister of Endowment "Awqaf" called on all Awqaf employees to work quickly to remove donation boxes from mosques before the scheduled date set on next Monday. The Minister of Awqaf issued, a few days ago, an important ministerial decision regarding the rules, controls and governance of the process of in-kind and cash donations in mosques, which includes a precise organization of donation operations, so that it will be not allowed for any person to collect cash money under any name in mosques by cash, except for what is regulated by law regarding vow boxes in vows mosques as specified by the law. The resolution also regulates the mechanism for accepting any in-kind donations, while adhering to all legal and administrative procedures for their acceptance.

**-Judicial data:**

9 November 2021

1. The Public Prosecution issues the 2021 Cairo Declaration to combat transnational crime, which stipulates:

1- Implementing the memorandum of understanding that was concluded between the two assemblies of African and Arab Parliamentarians, and the international and regional institutions in the two assemblies and their activities, and working collectively to draft international legislation and agreements to facilitate international cooperation.

2- Working to enhance knowledge of the national, regional, continental and international frameworks that are the pillars of international cooperation in the investigation and prosecution of transnational crimes and terrorism.

3- Using both formal and informal means of international cooperation to enhance innovative cooperation despite the existence of differences in national systems, language, and human rights provisions.

4- Strengthening the capacity and knowledge of members of investigative bodies and prosecutorial authorities of states on transnational crimes and terrorist crimes, and ensuring training for members of the African and Arab Assembly of Representatives.

5- Encouraging the establishment of mechanisms and initiatives that support the competent investigative authorities, and cooperating with foreign Internet service providers in order to confront the organized criminal groups' use of the internet in committing and financing terrorist crimes, and devising means to obtain electronic evidence acceptable to the courts.

The conference was held under the theme "The Role of Public Prosecution Services and Public Prosecution Bodies in Combating Transnational Crimes".

**ANHRI's comment**

- The Supreme State Security Prosecution continued to receive and interrogate the citizens who were arrested based on the investigation records and reports conducted by the National Security officers. During this week, the Prosecution interrogated 34 citizens on charges of joining a terrorist group and publishing false news and statements in various cases, and decided to detain them all for 15 days pending investigation.

- Throughout four days, the terrorism circuits which were held at the Police Cadets Institute in Tora Prisons Complex have considered the detention renewal orders against 511 defendants from those held in pretrial detention pending investigations conducted by the Supreme State Security Prosecution. Only 10 have been ordered released, while the rest of them are still languishing behind bars and continue to endure the suffering of the prolonged pretrial detention.

- The South Cairo Public Prosecution ordering the release of Ahmed Helmy, lawyer in cassation and the Supreme Constitutional Court, under the guarantee of his place of residence, came to extinguish the outbreak of a major crisis among the lawyers who called for mobilization and solidarity with their colleague who was summoned for investigation; after Judge Mohamed Kamel Abdel Sattar, a former head of the Third Terrorism Circuit Helmy accused him of insulting a judicial body, during his appearance before the court while considering the detention renewal of two of his clients, who have been held in pretrial detention for more than two years. It is noteworthy that the Bar Association's council and its subsidiary unions were present during his interrogation.

- The decision issued by the New Cairo's Emergency State Security Misdemeanors Court setting the trial of activists and bloggers Alaa Abdel-Fattah and Mohamed Ibrahim, owner of the "Oxygen" blog, along with human rights lawyer Mohamed El-Baqer, for adjudication at the hearing of December 20, on charges of publishing false news and statements, constitutes an unprecedented case in the history of the Egyptian judiciary. It is not enough for the authorities to bring the defendants to trial before an exceptional court whose rulings are far from being challenged before a higher court, but the court also didn't respond to any of their requests, which included enabling them to obtain a copy of the case indictment to be aware of the accusations leveled against them in order for their lawyers to be able to prepare their defense for their clients. Lawyers also requested to resort to the Supreme Constitutional Court to challenge the unconstitutionality of Article 19 of the Emergency Law, according to which their clients were referred to trial before an exceptional emergency court. The court decided to set the case for adjudication at the hearing of December 20 without presenting any objective defense to ward off the accusations leveled against them.

- Only within 7 days, judicial decisions were issued by the various criminal courts to refer the papers of 7 defendants to the Grand Mufti in preparation for the issuance of death sentences, which increases the toll of death sentences issued by the criminal courts in Egypt during the current year to unprecedented rates that reflect the extreme expansion in the issuance of death sentences.

- Mansoura Criminal Court issued a 7-year prison sentence against 7 defendants, including 4 policemen from Gamasa Maximum Security Prison, after they were convicted of killing an inmate; as the convicted police sergeant threw the victim (the inmate) to the ground, and his aides tied his hands and feet, gagged his mouth, blindfold him and continued to physically assault and beat him with hands and feet using plastic sticks, which led to his death at the end. This ruling reflects that legislative crisis that is represented in the inability to impose harsh penalties to deter torturers and perpetrators of the crime of torture in Egypt, in violation of human rights and all laws. The Egyptian Penal Code limits recognition of the crime of torture to the case where the purpose of inflicting torture is to extract a confession from the victim, in willful and blatant deviation from the definition established by the UN Convention against Torture and Cruel, Degrading and Degrading Treatment. This is in addition to the Egyptian government's rejection of two articles of the Convention that allow victims and human rights organizations to submit their complaints before the international mechanisms.