

EGYPT'S JUSTICE NEWSLETTER



ISSUE NO. 23

FROM 25 NOVEMBER TO 1 DECEMBER 2021



Egypt's Justice in a Week,

Issue No. 23,

From 25 November to 1 December 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 25 November to 1 December 2021)

- 1- Human rights activist Hossam Bahgat, founder of the Egyptian Initiative for Personal Rights (EIPR), was fined EGP 10,000 for insulting the National Elections Authority (rulings).
2. Nasr City Emergency State Security Misdemeanor Court extended the sentencing hearing against Engineer Yehia Hussein Abdel Hadi on a charge of spreading false news (trials)
3. The Court of Cassation turned down the appeal challenging the death sentences issued in the case known in the media as "Beit Al-Maqdis organization" which involves former police officer Mohamed Ewis (rulings).
4. The Supreme Constitutional Court sets a session to adjudicate over the constitutionality of clause No. 12 of Section No. 5 of the Value Added Tax (VAT) Law by imposing the value added tax on professional and advisory services (Administrative and Constitutional judiciary)
5. The Third Terrorism Circuit at Cairo Criminal Court is considering the detention renewal of 276 citizens in cases investigated by the Supreme State Security Prosecution (detention renewal)
6. Zagazig Prosecution refers the papers of three defendants to criminal trial for publishing false news and statements (Public Prosecution and investigative judges' decisions)

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

1- Investigations

25 November 2021

1-The State Security Prosecution interrogated 11 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

27 November 2021

1-The State Security Prosecution interrogated 10 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

2- Zagazig Prosecution investigated one citizen from "Gezerit Al-Saada" village (Zagazig governorate) and ordered him detained for 15 days pending investigations on charges of joining the Muslim Brotherhood group and possessing publications.

3- Abo Hamad Prosecution interrogated 4 citizens and ordered them detained for 15 days pending investigations on charges of joining the Muslim Brotherhood group and possessing publications.

28 November 2021

1- The State Security Prosecution interrogated 12 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

29 November 2021

1- The State Security Prosecution interrogated 12 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

2- Detention renewals

25 November 2021

1- The 3rd circuit at Cairo Criminal Court, convened at the Police Cadets Institute in Tora Prison Complex, considered the detention renewal of 276 defendants in the following cases investigated by the Supreme State Security: No. 977 of 2017, 970 of 2020, 910 of 2021, 706 of 2019, 680 of 2020, 674 of 2019, 649 of 2020, 640 of 2018, 515 of 2019, 1956 of 2019, 1475 for 2019, 1365 of 2018, 1300 of 2020, 1057 of 2020, 1054 of 2020.

27 November 2021

1. The Terrorism Circuit in Belbeis Misdemeanor Court renewed the detention of 26 citizens for a period of 15 days in Minya al-Qamh cases.

2. Zagazig Criminal Court renewed the detention of the Quranic teacher Reda Abdel Rahman, a client of the Arabic Network for Human Rights Information (ANHRI), for 45 days in Case No. 3418 of 2020 Kafr Saqr Emergency State Security Misdemeanor.

3. Nasr City Prosecution renewed the detention of Mohamed Hassan Abdel-Aty, a client of the Arabic Network for Human Rights Information (ANHRI), for 15 days on a charge of joining a terrorist group.

3- Trials

27 November 2021

1- The Terrorism Circuit in Abu Kebir Misdemeanors Court adjourned the trial of 26 defendants accused of publishing false news and statements to the December 4 session, to hear the defense pleading.

28 November 2021

1- The First Circuit of Terrorism in Cairo Criminal Court adjourned the re-trial of 9 defendants in the case known in the media as "the Cabinet Incidents" for January 13, 2022.

29 November 2021

1- Nasr City Emergency State Security Misdemeanor Court extended the sentencing hearing in the case of engineer Yehia Hussein Abdel-Hady to the hearing of 27 December 2021.

4- Rulings

25 November 2021

1-The Court of Cassation rejected the appeals filed by the defendants in the case known in the media as "Ansar Beit Al Maqdes" and upheld the death sentences issued against Mohamed Eiws and 21 other defendants, while obligating them to pay the Ministry of Interior an amount of 198 million and 700 thousand pounds as temporary compensation.

2- Cairo Criminal Court's 3rd circuit ordered the acquittal of Sayed Mostafa Kamel who had been sentenced to life in prison in his retrial in connection to the Case No. 1739 of 2015 Ain Shams, aka "Ain Shams incidents".

3- Cairo Criminal Court's 3rd circuit sentenced three defendants to life imprisonment, while it ruled the abatement of criminal proceedings against one defendant who is deceased, in connection with the case known in the media as "Al-Mataryia explosives".

27 November 2021

1- Zagazig Emergency State Security Misdemeanor Court ordered the acquittal of 19 citizens from the charges of spreading false news and information.

29 November 2021

1- The Economic Misdemeanor Court fined activist Hossam Bahgat, founder of the Egyptian Initiative for Personal Rights (EIPR), EGP 10,000 for insulting the National Elections Authority and spreading false news and statements, while the court ordered his acquittal from the charge of using an online account.

30 November 2021

1- Cairo Criminal Court sentenced one defendant to 10 years in prison into his retrial procedure in the case known in the media as "Sudan Street violence incidents".

5- Administrative and Constitutional Judiciary

27 November 2021

1- The Court of Administrative Justice at the State Council rejected the lawsuit demanding to rescind the Minister of Justice's decision of the non-implementation of appointing Chancellor Amal Mahmoud as Assistant Minister of Justice for Human, Women and Child Rights.

1. The First Circuit (Rights and Freedoms) at the Court of Administrative Justice rejected the lawsuit demanding to cancel the implementation of decisions Nos. 90 of 2000 and 19 of 2016, regarding the establishment and re-formation of the National Council for Women, while referring the lawsuit to the Supreme Constitutional Court to rule on the constitutionality of the Council's law promulgated by law No. 30 of 2018, which includes provisions that discriminate against women in violation of the Constitution.

2. The First Circuit of the Court of Administrative Justice at the State Council adjourned the lawsuit demanding the annulment of the agreement signed between Egypt and the High Commissioner for Refugees to prevent refugees from entering the Egyptian territory. The case was postponed to the January 8 session.

28 November 2021

1. The Court of Administrative Justice at the State Council set the lawsuit demanding the ban of the "Tik Tok" application for promoting video footages that incite bullying and violence for adjudication at the December 26 session.

29 November 2021

1. The Supreme Constitutional Court set the fourth of December to consider the first session of the lawsuit demanding to rule on the constitutionality of Article 102 of the Unified Building Law regarding the penalty for constructing buildings or establishing, expanding, elevating, modifying, consolidating, restoring or demolishing construction works without obtaining a license from the competent administrative authority.

30 November 2021

- 1- The Supreme Constitutional Court set the fourth of December to consider the first session of the lawsuit demanding to rule on the constitutionality of Article 3 of Labor Law No. 180 of 2008, which stipulates that committees and courts should refer, on their own, any disputes or lawsuits to Labor courts that fall within their competence under this law.

1 December 2021

1. The Supreme Constitutional Court set the session of January 9 to consider the lawsuit claiming the unconstitutionality of clause No. (12) Of section No. (5) of Law 67 of 2016, which imposes value-added tax on professional and advisory services at a rate of 10%, including the legal (lawyers) profession.

6- Legislation and decisions:

30 November 2021

Al-Waqa'a Al-Masryah- supplement to the Official Gazette- published the decision No. 256 of 2021 issued by General Mohamed Zaki, Minister of Defense and Military Production, to amend some provisions of the statute of the National Authority for the Development of the Sinai Peninsula, which was issued upon Prime Minister's Resolution No. 915 of 2012 to make the Administrative and supervisory jurisdiction over it affiliated to the Ministry of Defense instead of the Council of Ministers, in implementation of Law No. 172 of 2020 amending some provisions of the decree-law on the integrated development of the Sinai Peninsula.

7- Judicial statements

30 November 2021

1. The Public Prosecution ordered the detention of the man accused of kidnapping five girls by fraud and sexually assaulting them at a school in Maadi and ordered him detained for four days pending investigations, and the competent court extended his detention for further 15 days. The investigations are still underway.

8- The Public Prosecution and investigative judges' decisions

27 November 2021

1. The Public Prosecution Office in Zagazig referred 3 citizens to the 10th of Ramadan Misdemeanor Court and set the session of Sunday, November 28 to consider the case on charges of publishing false news and statements.

ANHRI's comment

1- The court ordering human rights activist Hossam Bahgat, founder of the Egyptian Initiative for Personal Rights (EIPR) to pay a fine of EGP 10,000 for insulting a regulatory body (the National Elections Authority); against the backdrop of a tweet he posted on his "Twitter" account last year criticizing the performance of the former head of the National Elections Authority (the late counselor Lashin Ibrahim) and his management of the electoral process of the House of Representatives elections in 2020 and the numerous violations that marred the elections, is considered a new episode of the series of violations of freedom of expression and the crackdown on human rights defenders.

2. The recommendation/decision of the Board of Commissioners of the Supreme Constitutional Court asserting the unconstitutionality of the provision of clause (12) of section No. (5) of Law 67 of 2016, which stipulates for imposing a value-added tax on professional and advisory services at a rate of 10%, including the profession of lawyers, setting the case for adjudication at the hearing of 9 January 2022, constitutes a victory in removing a financial burden from the shoulders of lawyers.

3- The Zagazig Criminal Court's decision to renew the detention of Quranic teacher Reda Abdel Rahman without taking a single step throughout 14 months in the case in which he is absurdly accused of joining the terrorist organization "ISIS", which completely contradicts his ideology and belief, is a clear example of the security authorities' use of pretrial detention as a tool to crack down on citizens and waste their lives behind bars over fabricated records and investigations.

4- The Cairo Criminal Court's Third Terrorism Circuit continuing to preside over the detention renewal of hundreds of detainees in pending cases of the Supreme State Security Prosecution, and the recent extension of the detention of 276 citizens on terrorism-related charges (during the period covered by the newsletter) disappointed the hopes of these citizens who are awaiting their release and being granted their freedom guaranteed by the provisions of the Constitution.

5- The Court of Cassation rejecting the appeals submitted by 22 defendants (including the former police officer Muhammad Ewais) challenging the death sentences, high-security and life prison sentences issued against them, in the case known in the media as "Ansar Beit al-Maqdis organization", which dates back to the martyrdom of Lieutenant-Colonel Muhammad Mabrouk, making these death sentences become final and enforceable, awaiting for the defendants' papers to be presented to the President of the Republic within 14 days from the date of the ruling, and the President has the right either to ratify the ruling, or to amend the penalty and reduce it to the minimum.