

EGYPT'S JUSTICE



NEWSLETTER

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Egypt's Justice in a Week,

Issue No. 24,

From 2 December to 8 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 2 December to 8 December 2021)

1. The Supreme State Security Prosecution has renewed the detention of some of pretrial detainees in their presence after a year and a half-long disruption during which the renewal was considered on paper in the absence of many of the accused and their defense due to the coronavirus pandemic (Public Prosecution news)
2. The Terrorism Circuit at Giza Criminal Court is considering into the detention renewal of 1,035 citizens on charges of joining a terrorist group and those detained in connection with the Supreme State Security cases, while ordered the release of 24 of the defendants. (Detention renewal)
3. Mansoura Emergency State Security Misdemeanor Court adjourned the trial of Patrick George, a researcher at the Egyptian Initiative for Personal Rights (EIPR) on charges of publishing false news and statements while ordering his release (Trials)
4. Four officials at Al-Marg Penal Institution for Juveniles has been sentenced to three years in prison against the backdrop of the fire that broke out at the juvenile detention centre in the Al-Marg neighborhood leaving 6 children killed and others injured (judicial ruling)
5. The Court of Administrative Justice has adjourned the appeal submitted by the residents of Nazlet al-Samman challenging the decisions to demolish their inhabited buildings and not being notified of the development projects that are being implemented in their district (Administrative judiciary)

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

1- Investigations

4 December 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-The 10th of Ramadan Prosecution interrogated 2 citizens, after they were arrested from different governorates on different dates, and ordered them detained for 15 days on charges of joining a terrorist group and possessing publications.

5 December 2021

1-The State Security Prosecution interrogated 24 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

2- The Supreme State Security Prosecution has begun considering the detention renewal of pretrial detainees in their presence after bringing them from their custody inside the Public Prosecution, after more than a year and a half of interruption during which their detention has been renewing on paper in their absence.

3-The 10th of Ramadan Prosecution interrogated 24 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

6 December 2021

1-The State Security Prosecution interrogated 13 citizens, after they were arrested from different governorates on different dates, on charges of joining a terrorist group and spreading false news.

2- Rotation/being added to new cases

6 December 2021

1- The 10th of Ramadan Prosecution investigated 2 citizens pending a new case after ordering their release in other cases. The Prosecution ordered them detained for 15 days on charges of joining a banned group and possessing publications.

3- Detention renewal

4 December 2021

1- Qalyub Prosecution renewed the detention of Ahmed Hamdi Al-Sayed, a client of the Arabic Network for Human Rights Information (ANHRI), for 15 days on charges of joining a terrorist group.

5 December 2021

1- The 3rd terrorism circuit at Cairo Criminal Court considered the detention renewal of 181 defendants in the following cases: No. 984 of 2021, 970 of 2020, 966 of 2021, 965 of 2021, 936 of 2021, 924 of 2021, 915 of 2021, which includes former diplomat and Egypt's ambassador Yehya Negm, 911 of 2021, 900 of 2021, 883 of 2021, 865 of 2021, 855 of 2020, 755 of 2015, 722 of 2015, 662 of 2021, 647 of 2020, 626 of 2021, 620 of 2021, 570 of 2020, 535 of 2020, 517 of 2020, of 2021, 238 of 2021, 1823 of 2019, 1683 of 2021, 1472 of 2019, 1360 of 2019, which involves journalists Badr Badr Mohamed and Ahmed Sabie whose detention was renewed for 45 days, No. 1332 of 2018, 1222 of 2021.

2- Al-Salam Misdemeanor Court renewed the detention of the two brothers Walid and Salah Mahmoud Hassan, for a period of 15 days pending case No. 1106 of 2021 Al-Salam Misdemeanor.

6 December 2021

1- The 3rd terrorism circuit at Cairo Criminal Court has considered the detention renewal of 303 defendants in the following cases: No. 983 of 2021, 800 of 2021, 750 of 2019, 628 of 2021, 585 of 2020, 482 of 2021, 473 of 2014, 467 of 2020, 311 of 2019, 288 of 2015, registered under No. 1430

of 2018, 277 of 2019 (which includes Engineer Yehia Hussein Abdel Hadi), 1779 of 2019, 1470 of 2019, 1400 of 2019, 1356 of 2019, which involves human rights lawyer Muhammad Al-Baqer, activist and blogger Alaa Abdel-Fattah, 1318 of 2019, 1225 of 2020, 1118 of 2019, 1110 of 2020, 1109 of 2020, 1055 of 2020, 1021 of 2020.

7 December 2021

1- The Third Terrorism Circuit at Cairo Criminal Court has considered the detention renewal of 304 defendants in cases Nos. 910 of 2021, 853 of 2021, 810 of 2019, which involves publisher Ismail Gad (ANHRI's client), Case No. 515 of 2019, which includes ANHRI's client and human rights lawyer Amr Imam, blogger Radwa Mohamed, and journalists Moataz Abdel-Nabi and Atef Hassab Al-Nabi, whose detention has been renewed for further 45 days.

2- Mansoura Criminal Court has renewed the detention of Mohamed Adel, ANHRI's client, in connection with Case No. 4118 of 2018 Sherbin Administrative.

8 December 2021

1- The Third Terrorism Circuit at Cairo Criminal Court has considered the detention renewal of 247 defendants in cases Nos. 975 of 2020, 915 of 2021, which includes ANHRI's client (Ibrahim Ali Ibrahim Al-Gondi), No. 580 of 2020, 1781 of 2019, 1530 of 2019, 1269 of 2019, and 1175 of 2018.

2- Cairo Criminal Court renewed the detention of Islam Nasser, ANHRI's client, for 45 days on a charge of joining a terrorist group.

4- Release order

5 December 2021

1- Giza Criminal Court's 3rd terrorism circuit ordered the release of one defendant into Case No. 751 of 2020 State Security under the guarantee of his place of residence.

6 December 2021

1- Giza Criminal Court's 2nd terrorism circuit ordered the release of three defendants into Case No. 751 of 2019 State Security under the guarantee of his place of residence.

1- Giza Criminal Court's 2nd terrorism circuit ordered the release of five defendants into Case No. 277 of 2019 State Security under the guarantee of his place of residence.

7 December 2021

1- Giza Criminal Court's 2nd terrorism circuit ordered the release of three defendants into Case No. 853 of 2020 State Security under the guarantee of his place of residence.

2- Giza Criminal Court's 2nd terrorism circuit ordered the release of 3 defendants into Case No. 810 of 2019 State Security under the guarantee of his place of residence.

3- Giza Criminal Court's 2nd terrorism circuit ordered the release of 9 defendants into Case No. 488 of 2019 State Security under the guarantee of his place of residence.

5- Trials

4 December 2021

1. The Second Terrorism Circuit at Giza Criminal Court adjourned the retrial of 33 defendants in the case known in the media as "Rabaa Al-Adawiya sit-in dispersal incidents" for the first of January 2022.
2. Abu Kabir Misdemeanors Court (Terrorism Circuit) adjourned the re-trial procedures of 12 defendants for December 11, 2021, to review the case documents.
3. The Abu Kabir Misdemeanor Court (Terrorism Circuit) has set the retrial of 12 defendants for adjudication at the December 12 session.
4. The Zagazig Misdemeanors Court (Terrorism Circuit) set the re-trial procedures of 13 defendants in "Abu Hammad" cases for adjudication at the December 25 session.
5. Zagazig Misdemeanors Court (Terrorism Circuit) adjourned the retrial of 7 defendants in the "Abu Hammad" cases to the December 18 session for case documents.
6. Zagazig Misdemeanors Court (Terrorism Circuit) adjourned the re-trial procedures of 12 defendants for the December 25 session for judgment.
7. Zagazig Misdemeanors Court (Terrorism Circuit) adjourned the retrial of 6 defendants for the December 18 session for information and documents.
8. Zagazig Misdemeanors Court (Terrorism Circuit) adjourned the retrial of 9 defendants for the December 18 session for information and documents.
9. Zagazig Misdemeanors Court (Terrorism Circuit) set the retrial of two defendants for adjudication at the December 25 session.

5 December 2021

- 1- The First Terrorism Circuit at Cairo Criminal Court adjourned the trial of 10 defendants accused in the case known in the media as "Terrorizing and killing citizens in Mataryia (district)" for the hearing of 28 December 2021.

6 December 2021

- 1- - The 3rd terrorism circuit adjourned the trial of the defendants in the case known in the media as "ISIS-Giza" for the 2nd of January 2022.
- 2- Giza Criminal Court considered the trial of 14 defendants in the case known in the media as "Kuwait returnees" for the 3rd of January 2022.
- 3- Cairo Criminal Court has considered the trial of 22 defendants in the case known in the media as "qualitative committees" in which they are accused of detaining a citizen and killing another" against the backdrop of their cooperation with the security forces to report against members of organizations. The case was adjourned for 29 December 2021.

7 December 2021

1 - Mansoura Emergency State Security Misdemeanor Court adjourned the trial of Patrick George Zaki, researcher at the Egyptian Initiative for Personal Rights (EIPR), to the first of February 2022, while ordering his release.

2-- Giza Criminal Court adjourned the retrial of 19 defendants in the case known in the media as "Al-Nahda sit-in dispersal" for the fourth of January 2022.

8 December 2021

1- Cairo Criminal Court considered the trial of former Finance Minister Boutros Ghali in the case known in the media as the "Customs Corruption".

2- Cairo Criminal Court considered the trial of Mohamed Ibrahim Suleiman, former Minister of Housing in connection with the case known in the media as "the Green Belt".

Rulings

1-Four officials at Al-Marg Penal Institution for Juveniles has been sentenced to three years in prison against the backdrop of the fire that broke out at the juvenile detention centre in the Al-Marg neighborhood leaving 6 children killed and others injured.

2- Banha Criminal Court decided to refer the papers of two defendants to the Mufti of the Republic to express his legal opinion on their execution, against the backdrop of their accusation (in a criminal case) of murdering and stealing two people.

7- Administrative and Constitutional Judiciary

2 December 2021

1. The Board of Commissioners at the Administrative Court of Justice adjourned the appeal lodged by hundreds of "Nazlet al-Samman" residents against the decisions to demolish their homes and habitant buildings and not being notified of the development projects that are being implemented in their district. The case was postponed to the December 16, 2021 session.

4 December 2021

1. The Administrative Court of Justice at the State Council adjourned the lawsuit demanding to separate the Anglican sect from the Episcopal sect and considering it an independent and sovereign sect, for January 15, 2022.

2. The Supreme Constitutional Court turned down the Case No. 134 of 35 "constitutional judicial year", which was filed to challenge the constitutionality of Article (18) of the Judicial Fees Law No. 90 of 1944.

5 December 2021

1. The Administrative Court of Justice set the lawsuit demanding the dissolution of "Ansar al-Sunna Muhammadiyah" Associations, and Sharia Association for the Cooperation of Book Workers, and al-Sunnah Muhammadiyah in their main centers and branches, for adjudication at January 30 session.

2. The Administrative Court of the State Council adjourned nearly 90 cases demanding to compel the Ministry of Education to re-correct the high school answer sheets for Cairo, Giza and Qalyubia students for the 2nd of January.

7 December 2021

1. The Supreme Constitutional Court set the case claiming the unconstitutionality of the provisions of Articles 168, 169 and 170 of Labor Law No. 12 of 2003, regarding litigation procedures in collective labor disputes that arise between the employer with all, or a group, of his workers, for adjudication at the 2nd of February 2022.

2. The Supreme Constitutional Court rejected the lawsuit claiming the unconstitutionality of the second paragraph of Article 715 of the Civil Code, which stipulates that "if the power of attorney is issued for the benefit of the agent or the foreigner, the client may not terminate or restrict the attorney/proxy without the consent of the one that the power of attorney was issued for his favor"

8 December 2021

1. The Administrative Court at the State Council adjourned the appeal submitted by lawyer Abdel Moneim Abdel Maksoud over the ruling issued to cancel his membership from the Bar Association for February 27, 2022.

8- Legislation and Resolutions:

6 December 2021

1. The Al-Waqa'i'a al-Masriya newspaper, the Egyptian Official Gazette, published in its issue No. 273 (continued), released on 5 December 2021, the decision of the Ministry of Interior No. 2277 of 2021, regarding the establishment of 6 public prisons in Wadi El-Natrun.

7 December 2021

1. The Council of Ministers approved draft laws amending some provisions of laws, the first of which is a draft law amending some provisions of the Child Law promulgated by Law No. 12 of 1996.

2. The Cabinet approved a draft law amending some provisions of the Labor Law promulgated by Law No. 12 of 2003.

3. The Cabinet approved a draft decision issued by the President regarding the issuing of a pardon for the remainder of the sentence for some convicts on the occasion of the celebration of Police Day which is marked on 25 January 2022.

ANHRI's comment

- 1-The Supreme State Security Prosecution's decision to conduct the detention renewal sessions in the presence of pretrial detainees in the cases in which it is presiding over at the headquarters of the Public Prosecution came to end an illegal situation that lasted for more than a year and a half, which is "the phenomenon of on-paper detention renewal" emerged since the coronavirus pandemic, denying the accused or his defense an opportunity to deny the accusation against him.
- 2- The Mansoura Emergency State Security Misdemeanour Court judge ordering the release of Patrick George, researcher at the Egyptian Initiative for Personal Rights (EIPR), who has been tried on a charge of spreading false news after his pretrial detention continued for more than a year and a half, constitute a late step towards implementing the provisions of the law which stipulates that pretrial detention (in Misdemeanor cases) may not exceed six months.
- 3- The decision issued by the Second Terrorism Circuit at Giza Criminal Court, convened at the Police Cadets Institute in Tora, to extend the detention of human rights lawyer Amr Imam and engineer Yehia Hussein Abdel Hadi, despite having reached the maximum limit of pretrial detention stipulated in the Code of Criminal Procedure, makes their detention, along with other pretrial detainees, deem illegal. Therefore, the Public Prosecutor must issue a decision ordering their mandatory release.
- 4- The ruling sentencing 4 officials at Al-Marg Penal Institution for Juveniles for only three years, in the incident of the fire that broke out at one of the wards of the institution leaving 6 children killed, has revealed the paradox in our judicial courts, which may hand down a high-security 5-year prison sentence for merely publishing a news that was claimed to be false. And this re-raises the old and new questions about the nature and limits of the discretionary power of judges and the criteria they support when issuing judgments and rulings.
- 5- While 1,035 pretrial detainees have appeared before Giza Terrorism Criminal Court to consider their detention renewal on charges derived from the Terrorism Law, the court released only 24 of them, making the suffering of others continue under the weight of pretrial detention despite the fact that many of them have already exceeded the stipulated maximum periods. Legally, they are called "in prison but outside of the law."