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PARTNERS IN REPRESSION

Judicial harassments faced by the human rights defenders in Egypt



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1 ■ Executive summary

In the context of authoritarian regimes such as Egypt, human rights defenders face numerous harassment by the government, either in the form of laws and legislation, often aimed at curtailing the right to assembly and shutting people's mouths, or policies that have no legal, legislative or constitutional justification, which are exercised by the State against defenders, such as torture, enforced disappearance, sexual harassment and other forms of arbitrary and cruel abuse. The report analyses the forms of judicial harassment against human rights defenders in Egypt, both the operational and institutionalised by the judicial authority following the military coup that took place on the 30 of July 2013 and subsequent years.

This report aims to highlight the violations and the events perpetrated by the Egyptian authorities and in particular, the judicial authorities, against human rights defenders in Egypt between July 2013 and the first quarter of 2020.

Accordingly, the report presents a series of laws issued directly or indirectly to the defence of human rights, promulgated by former President Abdel Fattah el-Sisi in the absence of the legislative or that limit or curtail those issued by the legislative authority following its abolition and re-issuing. These laws are the following: Law No. 102 of 2013 for regarding the right to peaceful public meetings, processions and pickets, and its amendments in 2017, which then became known as the protest law after the issuance of Law No. 71 of 2015, with its most recent amendments in March 2017, known as the terrorism law Regulation of laws of Terrorism Definition Terrorism Act No. 5 and its latest amendments were in March 2017 and is issued by the Terrorism Definition Law: Regulation of Private Employment Practice Law 107 of 2017 known as the Privacy Label Law, The 2018 Law on the Organization of Press, Media and the Supreme Council of Media known as media Law, Law No. 179 of 2018 on Social Cyber and Information Technology Crimes.

¹ https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf, accessed March 13, 2020.

² https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf, accessed March 13, 2020.

³ https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf.

⁴ https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf, accessed March 13, 2020.

⁵ https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf.

⁶ https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf, accessed March 13, 2020.

⁷ https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf, accessed March 13, 2020.

⁸ https://www.ohchr.org/en/hrbodies/hrc/docs/20190313_102019.pdf, accessed March 13, 2020.

The report found specific patterns of judicial harassment against human rights defenders by the Egyptian authorities, which are divided into two groups. The first is an *extrajudicial process*, which means that the defendant is being held into custody due to a pending investigation or assessment to be implemented. Whereas the second group includes the *harassments* against defenders who have been sentenced to imprisonment or are still incarcerated due to a pending investigation.

Regarding the first group, the most prominent harassment identified in this report are:

- Harassing human rights defenders from travelling
- Blocking the funds of human rights defenders and human rights organizations

The second set of judicial harassments is the one occurring after human rights defenders are arrested and detained over ongoing investigation and/or after being sentenced:

- Harassment are trial duration and taking human rights defenders to other cases or assessments during the investigations
- Harassing the defenders in psychiatric units
- Isolating the defenders in their detention cells

Finally, the report includes two exemplary cases of a human rights defender with the aim to highlight violations of his trial guarantees suffered by defendant from the moment of their arrest to the moment their case would have been written, and they are lawyer **Mohammed Al Bahawi**, founder of the **Arabian Center for Human Rights Studies**, and lawyer **Mustafa El-Morshedy**, who was arrested about November 2016 and is being prosecuted under the **Law No. 162 of 2016** by the Supreme State Security Prosecution.

2 Report methodology

As for the definition of human rights defenders, the report adopted a definition by the OHCHR in the framework for 20th Human Rights Defenders: Protection of the right to defend human rights¹ and that is: "To be a human rights defender, a person can act to address any human right (or rights) included at individual or group. Human rights defenders seek the promotion and protection of civil and political rights, as well as the promotion, protection and realisation of economic, social and cultural rights."²

The United Nations General Assembly in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, further stipulated that:

"(1) Everyone has the right individually and in association with others, to advocate and seek the promotion and realisation of human rights and fundamental freedoms on national and international levels. (2) (1) with those responsibilities entails the duty to protect, promote and fulfil all human rights and fundamental freedoms in the social, economic, political and other fields."³ including taking those that may be necessary to address of the social conditions in the social, economic, political and other fields, as well as the legal safeguards required to enable every person within its jurisdiction right to effectively exercise of all these rights and freedoms."⁴ (2) Each State shall take the legislative, administrative and other steps necessary to ensure the effective exercise of the rights and freedoms referred to in this Declaration."⁵

As for the geographical scope, this report highlights the judicial harassment against human rights defenders under the Arab Spring and post-Arab Spring period under the harassment of defenders being outside Egypt, as well as targeting their families or concerning the defenders in abroad. While the timeline of this report is the time period from 1 July 2011, which is the start of the military coup in Egypt, and the end of the first quarter of year 2022.

When it comes to the legal framework, this report refers to the Egyptian Constitution⁶ as the supreme legal framework governing Egypt, as well as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,⁷ ratified by Egypt in 1982. This report uses these constitutional and international frameworks to identify the legal and non-legal violations of fundamental human rights and freedoms on the fundamental rights and freedoms of citizens in general and defenders in particular, and on the other hand, violations provided by the judicial authority in particular and the three authorities.

¹ <https://www.ohchr.org/en/instruments-treaties/instruments-treaties-in-force/2011-12-16-2011-12-16>

² <https://www.ohchr.org/en/instruments-treaties/instruments-treaties-in-force/2011-12-16-2011-12-16>

³ <https://www.unhcr.org/refugees/496000000.html>

⁴ <https://www.unhcr.org/refugees/496000000.html>

⁵ <https://www.unhcr.org/refugees/496000000.html>

As for the sources of information, the report relied on a series of published data and studies that monitor violations against human rights defenders in Egypt and it analyses the situation of the defence of human rights in Egypt, as well as its implications with a group of lawyers and human rights defenders for being part of the defence of certain defendants or followers and followers of trials along with a researcher interested in the human rights defenders' issues and a human rights defender who was arbitrarily detained for defending human rights. The report concealed their identities in order to maintain their personal security and not endanger them.

3 ■ GENERAL CONTEXT AND LEGAL FRAME

The human rights situation in Egypt has become since the middle of 2013 a stage decline in all the rights civil political elements, social and cultural. The legislative and executive branch, in spite of the judiciary, contributed to this decline through the enactment of a series of laws and legislation that restrict the human rights situation in general and target human rights defenders in particular. The executive branch conducted a series of illegal practices and policies in the absence of any form of oversight and accountability to the legislators.

At the legislative level, many legislations have been enacted to restrict and close all spaces in Egypt in order to restrict the work of human rights defenders. On November 2013, the former Law No. 107 of 2013 for organizing the right to peaceful public meetings, processions and protests known as the "Demonstration Law"¹ was promulgated, which seriously prohibited the rights peaceful assembly and demonstration, but its Article 1² targets of human rights defenders, including human rights defender **Shea Ibrahim El-Hadi** have been imprisoned without years of imprisonment and a police protection for a similar two year period.³

On February 17th 2013, Law No. 81 of 2013 regarding laws of terrorism which was promulgated under which the funds of a number of human rights organizations were confiscated and seized as well as the funds of some human rights defenders, in violation of the Egyptian Constitution, with respect to private property in article 28.

States of human rights defenders have been placed on terrorist lists, including the **Palestinian Egyptian Committee**⁴.

¹ <http://www.egyptianpresssyndicate.org/Document/107-2013>

² <http://www.egyptianpresssyndicate.org/Document/107-2013>

³ <http://www.egyptianpresssyndicate.org/Document/107-2013>

⁴ <http://www.egyptianpresssyndicate.org/Document/107-2013>

<http://www.egyptianpresssyndicate.org/Document/107-2013>

<http://www.egyptianpresssyndicate.org/Document/107-2013>

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<http://www.egyptianpresssyndicate.org/Document/107-2013>

<http://www.egyptianpresssyndicate.org/Document/107-2013>

⁵ <http://www.egyptianpresssyndicate.org/Document/107-2013>

<http://www.egyptianpresssyndicate.org/Document/107-2013>

<http://www.egyptianpresssyndicate.org/Document/107-2013>

<http://www.egyptianpresssyndicate.org/Document/107-2013>

In August 2010, the UNHCR Director was prejudiced in its evaluation of the rights and freedoms, considering that Egyptian Constitution is lacking the amount before the Public Prosecutors Office before its terms of its article. The law also envisages with the practice by law enforcement forces that might reach to judicial willing and that by providing protection from prosecution¹⁷ to those and based on the UNHCR Director has to provide human rights standards for their work. For example, human rights activist of Egypt, founder of the Islamic Center for Rights and Freedoms, was sentenced to three years imprisonment for terrorism charges.¹⁸

Regarding the laws governing the operations of local organizations and NGOs, the NGO Act No. 84 of 2002¹⁹ continued to be applied until 2017, when the legislature issued the law No. 70 of 2017²⁰ which came in line with the regime's legislative policies through signing an implementation contract that reaches up to 3 years, as well as a financial profits that reaches 4 million Egyptian Pound which is present in investment, donation or the workers in NGOs and the civil society in all their different capacities. The law provides that with implementation in cases such as: "the establishment of a new governmental organization that deals the issue of national unity, national security, public order or morals, which includes or engages a foreign organization in a community activity in Egypt without a permit, the establishment or administration of an entity conducting a community activity without following the provisions of the law, including involving foreign funds, within the purview of a private association as a member in it" and this law was faced with a lot of national and international criticism. An example here is what was issued by the UNHCR during the Universal Periodic Review (UPR) in 2019:

"The enactment of Law No. 70 of 2017, a deterrence law that curbs the scope for NGOs to monitor human rights violations and reporting, will seriously harm the possibility of monitoring human rights and will make human rights defenders more vulnerable to sanctions and reprisals. This law contradicts Egypt's obligations under the international human rights law, which requires NGOs to seek permission to operate and to seek official approval to get funds from foreign sources."²¹

¹⁷ Egyptian Institute for Human Rights, *The UNHCR Assessment of the Rights and Freedoms of the Egyptian Subaltern Working a contract with the UNHCR* (Geneva: Egyptian Institute for Human Rights, August 2010), accessed on 05/2020.

¹⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/Display.aspx?Lang=en&DocumentID=ENHR201001001>

¹⁹ <http://www.egyptianinstitute.org/Portals/0/NGO%20Law%202002.pdf>

²⁰ <http://www.egyptianinstitute.org/Portals/0/NGO%20Law%202017.pdf>

²¹ <https://www.unhcr.org/press/2019/08/19-08-2019-egypt.html>

²² <https://www.unhcr.org/press/2019/08/19-08-2019-egypt.html> (emphasizing the need to monitor and verify the foundation through the UNHCR's human rights assessment).

²³ <https://www.unhcr.org/press/2019/08/19-08-2019-egypt.html>

²⁴ <https://www.unhcr.org/press/2019/08/19-08-2019-egypt.html>

²⁵ <https://www.unhcr.org/press/2019/08/19-08-2019-egypt.html> (emphasizing the need to monitor and verify the foundation through the UNHCR's human rights assessment).

²⁶ <https://www.unhcr.org/press/2019/08/19-08-2019-egypt.html>

²⁷ <https://www.unhcr.org/press/2019/08/19-08-2019-egypt.html>

In July 2009 Law No. 107 of 2009 was issued concerning the exercise of democracy.¹⁰ The law differed from its predecessor by abolishing the penalty of imprisonment. However, it continued to be stringent by imposing fines on Egyptian organizations communicating with partners abroad without prior authorization, as well as imposing substantial fines of up to 1 million Egyptian pounds, which is an equivalent to approximately 140,000 dollars at the time.

¹⁰This law allows the Ministry of Social Solidarity to intervene in the work of registered civil society organizations as well as in the quality of their activities and upon their financing. This law also allows the authorities to bring into the premises of civil society organizations, without prior notice, the right to inspect documents, impose regulatory decisions and remove members of the organization's councils as well as many other restrictive measures. In fact, this law stripped civil society organizations of their independence and prevented them from monitoring human rights violations while holding accountable those responsible for these actions. It also restricted their ability to cooperate with local, regional or foreign bodies, including international NGOs. This law also regards the financial assets of Egyptian citizens as public funds and imposes heavy fines on any organization that violates the law.¹¹

In the year preceding, specifically in August 2008 (21), the authorities issued the Press and Information Regulation Law and the Supreme Council for Media Regulation.¹² This law granted full powers to the Supreme Council for the Regulation of Information. In its capacity as the monitor of all press and media institutions, under the authority of censoring these institutions, imposing financial penalties on them and suspending their content. On the other hand, the law also set out imposing traditional media and press organizations, but also extending it to social media so that every social media account followed by more than 1,000 followers is treated as a media establishment and is therefore censored.¹³ Thus again, the executive branch has also carried out a series of violations against human rights defenders in general, such as tortures and enforced disappearances, as well as the prohibition of traveling without a judicial authorization. A number of human rights defenders reported that they had been subjected to various forms of torture, including physical treatment and humiliation during their arrest or detention, whether locally or in Egypt. Also Hisham Farah reported that he was tortured during his detention in prison after interrogation by the Supreme State Security Prosecution.¹⁴

¹⁰ <http://www.egyptianpress Syndicate.org/egyptianpress%20syndicate%20news%20center%20news%20center%20by%20date/2009/07/107%20of%202009>

¹¹ <http://www.egyptianpress Syndicate.org/egyptianpress%20syndicate%20news%20center%20news%20center%20by%20date/2009/07/107%20of%202009>

¹² <http://www.egyptianpress Syndicate.org/egyptianpress%20syndicate%20news%20center%20news%20center%20by%20date/2008/08/21>

¹³ <http://www.egyptianpress Syndicate.org/egyptianpress%20syndicate%20news%20center%20news%20center%20by%20date/2008/08/21>

¹⁴ <http://www.egyptianpress Syndicate.org/egyptianpress%20syndicate%20news%20center%20news%20center%20by%20date/2008/08/21>

Yousef Habib al-Ahmed also reported torture at the police station to force her to admit her personal electronic devices.¹⁰ Nine case reports stated that a number of defendants had been subjected to enforced disappearance and torture before being brought before the investigators. For example, Ibrahim Ibrahim, an urban researcher with the Egyptian Commission for Rights and Freedoms who had been missing for 142 days,¹¹ reported in his statement to the Supreme State Security Prosecutor that:

“I was subjected to physical and psychological torture, inhibition, stress of death and was forced to write confessions, the also underwent starvation in inhuman conditions and exposure to prolonged sleep deprivation and starvation, which contributed to the deterioration of my physical and psychological health.”¹²

In addition to torture and enforced disappearance, the Executive Authority exercises a range of other measures against human rights defenders in Egypt, such as preventing them from travelling without judicial authorisation, issuing travel bans, and conduct threatening and intimidating policies against human rights defenders, for example, Kamel El-Din, director of the Arab Network for Human Rights Information, was harassed and arrested with pain.¹³

Moreover during trials, the Executive Authority exercises a range of violations against human rights defenders, including prevention of access, prohibition of communicating with friends and family by preventing them from receiving in-bound mail or receiving internet calls, as well as solitary confinement.¹⁴

The Egyptian authorities not only directly harass human rights defenders and violate their rights, but also use all means of pressure that are often illegal and unethical such as targeting the defendants' families. For example, Salah Khaled, father of the United States based human rights defender Mohamed Khaled, was subjected to disappearance while in detention for more than a year in order to pressure his son into stopping his human rights activities.¹⁵

¹⁰ Amnesty International Report: Missing and Tortured: Harassment, Intimidation, and Torture of Human Rights Defenders in Egypt, 2012, accessed 26 June 2013, <http://www.amnesty.org/en/documents/EUR12/0001/201206>, <http://www.amnesty.org/en/press-releases/2012/06/01>.

¹¹ Egyptian Commission for Rights and Freedoms press release November 1, 2012, accessed 26 June 2013, <http://www.egycprf.org/press-releases/2012/11/01>.

¹² Ibid., paragraph 10.

¹³ The United Nations Human Rights Committee, a sub-committee of the United Nations Human Rights Council, issued a finding of a violation of article 18, paragraph 1, of the International Covenant on Civil and Political Rights (ICCPR) against the Egyptian authorities in relation to the arrest and detention of Kamel El-Din, accessed 26 June 2013, <http://www.unhcr.org/refugees/refugees/49999999.html>.

¹⁴ Amnesty International Report: Torture and Abuse in the Arab World: Torture and Abuse in Egypt, 2012, accessed 26 June 2013, <http://www.amnesty.org/en/documents/EUR12/0001/201206>, <http://www.amnesty.org/en/press-releases/2012/06/01>.

¹⁵ Human Rights Watch Report: The Government of the State of New York should investigate a credible allegation against Egyptian police and intelligence, November 03, 2012, accessed 26 June 2013, <http://www.hrw.org/news/2012/11/03/egypt-police-intel>.

4 ■ JUDICIAL HARASSMENTS AGAINST HUMAN RIGHTS DEFENDERS

Human rights defenders faced various forms of violations during the age of the current generation of the institutional form of the Egyptian human rights movement, which began with the formation of the first Organization for Human Rights in 1978 and the Egyptian Organization for Human Rights in 1987 as a branch of the first Organization. Moreover, the majority of these violations were perpetrated by the executive branch under a policy of restricting the public realm, advised by an almost absolute pre-eminence legislative authority represented by the President himself and his security institutions.

In the past, there have been constant attempts and movements within the justice system, to impose genuine independence through executive interference during former President Mubarak's rule and therefore, many judges have not been involved in the process of repression of human rights defenders. However, since July 2013, the executive branch has extended its hand to the judicial authority. Thus, the judiciary has been able to pronounce sentences¹¹, which are also a fundamental consequence of ascending a hierarchy of various judicial bodies and allowing the Presidency to appoint presidents of Egypt's various courts such as the Supreme Constitutional Court, the Supreme Administrative Court and the Court of Cassation, while its release is limited to nullifying the appointment decision.¹²

A number of cooperations between judicial and security bodies beginning with the Public Prosecutor's Office, the Military Prosecutor's Office and the Supreme State Security Office which have led the competence to investigate specific crimes or at a time of emergency, usually being a large list of charges against dozens of human rights defenders without any evidence other than what is provided by the security agencies.

The following are highlights of the judiciary's violations of human rights defenders during both the investigation phase and the trial.

¹¹ The investigation involves the 2013 detentions and challenges to the state of judicial independence reported in 2017. <https://www.hrw.org/report/2017/06/28/egypt-judicial-independence>

¹² <https://www.hrw.org/report/2017/06/28/egypt-judicial-independence>

¹³ <https://www.hrw.org/report/2017/06/28/egypt-judicial-independence>

¹⁴ <https://www.hrw.org/report/2017/06/28/egypt-judicial-independence>

4.1 ■ Extrajudicial Harassments

Ban from traveling

'Freedom of movement, residence, and immigration are guaranteed. No citizen may be removed from the State's territory or prevented from returning to it. Preventing him from leaving the territory of the State, imposing house arrest on him or prohibiting his transiting in a particular area is only to be made, and for a specified period of time, and in the circumstances authorized by the law.'¹⁰

Article 42 of the Egyptian Constitution amended in 2019

'Everyone lawfully within the territory of the State has the right to freedom of movement and freedom to choose his place of residence. Everyone is free to leave any country, including one's own. The above rights shall not be restricted by any restrictions other than those provided for by law, necessary for the protection of national security, public order, public health, morals or the rights and fundamental freedoms, and consistency with the other rights recognized in the present Covenant, nor shall they be arbitrarily deprived of the right to enter his or her own country.'¹¹

Article 11 of the International Covenant on Civil and Political Rights

The Egyptian Constitution, as amended in 2019,¹² and the International Covenant on Civil and Political Rights, ratified by the Egyptian Government in 1996,¹³ guarantee citizens' freedom of movement and allow State authorities to restrict this right only with judicial authorization, for clear legal reasons and for a specified period of time.

However, starting in 2014, human rights defenders were restricted from their right to movement and travel, and the restrictions continued following the revolution in July 2013.¹⁴ These restrictions increased exponentially starting in 2015, with Egyptian authorities expanding the use of travel bans as a penalty for defenders more than a prosecution in judicial cases.¹⁵

The ban on travel comes as one of the most significant forms of violations against human rights defenders by the judiciary through a judicial order, as in case No. 173 of 2016, which is still under investigation while more than a decade has passed since the commencement of its investigation. Forty-one human rights defenders represented their traveling during the course of the case by order of the investigating magistrate, starting in 2016.

Some of these defenders were never called before the investigating judge that were surprised

that their names appeared the travel ban list when they attempted to travel abroad.¹⁶

¹⁰ Egyptian Constitution, The Egyptian constitution, www.constitution.gov.eg/

¹¹ International Covenant on Civil and Political Rights, www.unhcr.org/refugees/article/48946868.html

¹² Article 42 of the Egyptian Constitution, www.constitution.gov.eg/

¹³ United States of America, www.unhcr.org/refugees/article/48946868.html

¹⁴ www.hrw.org/report/2014/05/06/egypt-reports-renewed-repression-human-rights-defenders

¹⁵ Ibid. 2016.

¹⁶ www.hrw.org/report/2016/05/12/egypt-renewed-repression-human-rights-defenders

¹⁷ www.hrw.org/report/2016/05/12/egypt-renewed-repression-human-rights-defenders

Seizure of Funds

"Private property is protected. The rights inherent in ownership. Custody may be imposed only in the circumstances prescribed by law and by a judicial judgement. Ownership shall be expropriated only for public benefit and in return for fair compensation paid to owners in accordance with the law."

Article 53 of the Egyptian Constitution, amended in 2019

In an attempt to impose a total stop on human rights defenders, the authorities in Egypt used the freezing process against a number of the most prominent leaders of the human rights movement in Egypt as well as the heads of a number of human rights organizations to evaluate the ability of these people and organizations to which they belong manage their funds and maintain their activities and their adherence to human rights.

The freezing of funds includes preventing natural and legal persons from disposing of their property whether such which belongs to it dealing with, or failed, such schemes, laws, and institutions for which the persons against whom sanctions to freeze funds is prohibited from disposing of them by sale or otherwise, and they only have the right to use them and liquidate or make in the matter of cases in which the defendants are finally charged by confiscating these funds or canceling the order issued to seize them and returning their right to dispose of them to their owners.

As part of the investigation into the case No. 407 of 2014, the investigating judge requested the freezing of the funds of a number of human rights defenders who were sometimes owners of these decisions through the media circulating the cases. Judicial decisions also included the freezing of funds for a number of human rights organizations. In most cases, the Cairo Criminal Court upheld the investigating judge's requests to freeze the funds.

The Judicial Institute for Terrorism and Anti-Terrorism Studies was one of the first organizations to endorse the investigating judge's requests to freeze its funds on June 2014. 21. The decision also included the freezing of the funds of the center's founder, Ahmed Ismail. In September 2014, the Cairo Criminal Court decided to freeze the funds of Hassan Badier, director of the Egyptian Initiative for Personal Rights, Jamal El-Jabir, director of the Arab Network for Human Rights Information, Hoda Hafeez Tawfik, director of the Egyptian Center for the Rights of Detainees and Hany Hassan, Director of the Cairo Institute for Human Rights Studies. The resolution also mentioned a reservation to the funds and property of three human rights organizations, the Mohamed El-Baradei Law Center, the Cairo Center for Human Rights Studies and the Egyptian Center for the Rights Education.

²¹ <http://www.egyptianinitiative.org/egyptian-initiative-for-personal-rights-organization-press-release-ahmed-ismail-appeals-against-freezing-of-funds>

However, the practical application of this law within the Egyptian courts has made it a new tool in the hands of the authority to pressure the political opponents and human rights defenders, by giving them in their hand through lawsuits filed by the criminal courts upon request of the Attorney General to remove any human rights defenders' activities for said to require their activities to terrorist laws. In April 2016, the Cairo Criminal Court decided to include 10 defendants in the case known as the 'Believes of Hageh' as terrorists for the five years, including Hani Moustafa, the Initiative People's Rights Release and the HRW Investigator in Egypt.¹⁰

In July 2014, the Court of Cassation rejected Moustafa lawyers' and associated appeal against this decision taken in force for the year unless they were acquitted would fail before the application of this term.¹¹ The 'Believes of Hageh' case includes a number of Egyptian politicians arrested in connection with planning to participate in the 2013 parliamentary elections, including Moustafa, a former parliamentarian and lawyer.¹²

On the 21st of November 2015, the Egyptian courts published the decision of the Cairo Criminal Court to include the Muslim Brotherhood supporters and political activists in regime on the list of terrorist entities. 20 persons are also included on the terrorist list for a renewable five-year period, including former presidential candidate Abdelmonem el-Mehdi al-Fetouh, and two imprisoned human rights defenders, Alaa Abdelfattah and Mohamed al-Baghy.¹³ In November 2015, the Court of Cassation rejected Mohamed al-Baghy's lawyers' appeal against this decision.¹⁴

In September 2015, the Court of Cassation included the new list of persons on the terrorist list, including lawyer and a former member of the National Committee Human Rights, Maha Abdelkhalik, and an Egyptian coordinating lawyer for rights and freedoms, Mohamed al-Hachraf.¹⁵

¹⁰ <http://www.egyptpress.com/Article.aspx?ArticleID=10444>
¹¹ <http://www.egyptpress.com/Article.aspx?ArticleID=10444>

¹² <http://www.egyptpress.com/Article.aspx?ArticleID=10444>

¹³ <http://www.egyptpress.com/Article.aspx?ArticleID=10444>
¹⁴ <http://www.egyptpress.com/Article.aspx?ArticleID=10444>

Inconveniences during investigation

Egypt's investigative bodies participate in violations of its function through complicity in abuse on the actions of the security forces. The Public Prosecution, the Supreme State Security Department and the Military Prosecution fail to investigate what defendants have shown before them, such as forcibly taking them for months or torturing them, or framing of charges against them.

*"I was attacked once during my arrest and again in prison by the National Security Officer. On both occasions the prosecution and court refused to document the violation without more evidence. They should have opened an investigation into the incident. Even the forensic medical report was written formally and did not entail anything!"*¹⁰

Human rights officers also

Also in 2016 context, a member of the officer members of the Egyptian Committee for Rights and Freedoms, Ibrahim Kamel, who first appeared before the prosecution on the 10th of November 2017 after nearly 8 months of enforced disappearance after he was arrested in a house on the 10th of June 2017.

During his enforced disappearance, Ibrahim was subjected to torture, such as suspension and electrocution. It is noteworthy before the prosecution he stated that the torturers prevented him from sleeping and threatened him with death by confining to specific charges.¹¹

His family and his lawyer have taken all legal means to reveal his fate since his arrest, during the period of his disappearance, including submitting a communication to the Attorney General and filing a lawsuit before the Administrative Court of Justice No. 5048 of 7/6. The Minister of the Interior concluded his incapacity and demanded the disclosure of the place of detention of Ibrahim.¹²

¹⁰ Ibidem reference

¹¹ Ibidem. ("I thought that I was being tortured because they took me to the Egyptian Legal Association National Institute of Security and I did not know what was going on in my mind")

¹² Ibidem reference. (Ibrahim Kamel is a member of the Egyptian Committee for Rights and Freedoms, International Human Rights Association, 2016, p. 12, para 104) <http://www.egyptianrights.org/egypt/2016/06/12/04>

¹³ Ibidem. Egypt's Attorney General has issued an investigation order into the case of the Egyptian Committee for Rights and Freedoms, International Human Rights Association, 2016, para 104

¹⁴ Ibidem. (Ibrahim Kamel is a member of the Egyptian Committee for Rights and Freedoms, International Human Rights Association, 2016, p. 12, para 104) <http://www.egyptianrights.org/egypt/2016/06/12/04>

¹⁵ Ibidem. (Ibrahim Kamel is a member of the Egyptian Committee for Rights and Freedoms, International Human Rights Association, 2016, para 104) <http://www.egyptianrights.org/egypt/2016/06/12/04>

Another example is human rights defender *Abdelhadi Fattah*, who was placed in a maximum-security prison 2 at the Tora Plaza Prison after his arrest on 20th of September 2017.¹⁰⁷ Immediately upon his arrival in prison, *Abdelhadi* was subjected to torture and verbal assaults which is known in Egyptian prisons as “Tashreeh”, and threats to demonstrate if he speaks about these things before the power of attorney. This is in spite of existence of document contrary to the Prison Organization Act and its regulations, and deliberately deprivation of his most basic rights, such as deprivation of daily walks and newspapers like to the rest and is also deprived of bathroom or toilet that allow heating for bathing.¹⁰⁸ As a result of all of this, *Abdel Fattah* decided to go on a hunger strike for more than 30 days against which at the time of writing this report is still in this context, the judiciary refused to investigate his hunger strike and to prove it. The Egyptian authorities promise that he ended his hunger strike, which his family denies.¹⁰⁹

Specifically, the Egyptian State Security prosecution enjoys authority, since it does not respect the constitutional and legal provisions that are supposed to be the governing framework for its work. The prosecution enjoys many kinds of abilities for always appear before it for investigation, in particular human rights defenders and political activists.

Violations include investigation without witness, although the Egyptian Constitution stipulates that witness must be present and in the case of a lawyer or lawyer is assigned to the investigation. But the prosecution invokes article 128 of the Code of Criminal Procedure, which refers to the possibility of investigation in the absence of a lawyer in circumstances necessary such as the fear of an escape or tampering with evidence or the fear of the defendant's escape.¹¹⁰ What these cases are not available in cases investigated by the prosecution.

¹⁰⁷ Violations in the Egyptian State Security Prosecution start from the very first moment. First they refuse to investigate without a lawyer. If the circumstances forbid on the presence of a lawyer, they consider the matter in my case, they refused the presence of a lawyer and often threatened to refrain from investigating if they agreed the presence of a witness after the start of the investigation.¹⁰⁸

Human Rights Defender

¹⁰⁷ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹⁰⁸ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹⁰⁹ <http://www.aljazeera.net/news/egypt/2017/09/20> The State of Human Rights in Egypt: Report of the UN Human Rights Council, 2017, <http://www.unhcr.org/refugees/59999999.html>

¹¹⁰ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹¹ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹² <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹³ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹⁴ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹⁵ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹⁶ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹⁷ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹⁸ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹¹⁹ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹²⁰ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹²¹ <http://www.aljazeera.net/news/egypt/2017/09/20>

¹²² <http://www.aljazeera.net/news/egypt/2017/09/20>

¹²³ <http://www.aljazeera.net/news/egypt/2017/09/20>

In addition to investigating the absence of a lawyer and the failure to investigate detainees' statements of arbitrary disappearance and torture, the Supreme State Security Prosecution also continues to detain all charges against them and keeps them in pre-arresting cells as joining a terrorist group/cells, without specifying the name of the group, as well as the charge of spreading false news, without specifying what news it is, and the crime of identifying/financing a group, without specifying its false name.

The prosecution continues from detaining the charges against the accused. For example, the prosecution charged me with a range of charges such as joining a terrorist group, without naming the "terrorist group" (What is the group here identified in or what is the evidence thereof) as referred to above. It is the same question I asked in all the investigations (starting from a year and a half and there was no answer. All charges depend on national security inquiries. Who are charged without evidence or witnesses?).

Human Rights/Ombudsman

Also, the prosecution does without the defense requests, which pay sometimes great attention to the arbitrary disappearance of certain detainees or appeal them to the charges against them.

In all times, we present arguments and requests to the State Security Prosecution and the Ombudsman (prove that this is not the correct national security law because there are no attempts to prove the incidents, and our request was not complied with. We asked that we be confronted with publications or websites, and this happens, previously only with human rights defenders. This is not an algorithm because of your behavior").

Lawyer

Alternative forms of violation. Various forms of prosecution in general, and the Supreme State Security Prosecution in particular, are partners of the executive authority (in judicial harassment and violation of detainees' providing the executive authority with ways to escape accountability and liability in the absence of effective remedies, and some human rights defenders' access to a fair trial).

Executive pre-trial detention and the removal of accountability of the defendant's other means forms of arbitrary detention

In addition to creating up violation and harassment by law enforcement forces, prosecution also exercises an additional form of violation and harassment, namely executive and pre-trial preventive detention and the harrying of detainees for new cases with the same charges in the final part of the case.

¹ "The Supreme State Security Prosecution, which is the main prosecutive authority in the country, has been accused of being a partner of the executive authority in the harassment and violation of detainees' providing the executive authority with ways to escape accountability and liability in the absence of effective remedies, and some human rights defenders' access to a fair trial."

² <http://www.ombudsman.gov.jo>

³ <http://www.ombudsman.gov.jo> (27/01/20)

Egypt has known the system of administrative detention for many years, which is a form of detention by decision of the executive authority, represented by the President or his delegates. This type of detention involves the imprisonment of a person without being charged in certain facts and without a judicial decision or imprisonment. Such detention depends on the investigation of the security agencies of all kinds.

Administrative detention in Egypt was legal articles found in Art No. 143 of 1961 Emergency Law before the Supreme Constitutional Court rules these articles as unconstitutional on 3 June 2013. Egypt's administrative detention system was, however, Egypt's new rehabilitation of the executive authority in the work of the judiciary authority has almost alternative policies to perform the same job of imprisoning persons for an indefinite period and without various protections or exceptions against them.

The Egyptian system exercised executive preventive detention of dozens of human rights defenders and thousands of other prisoners of conscience through judicial orders issued by the Supreme State Security (Prosecutor or other judicial bodies).

In order to avoid exceeding the maximum of two years' preventive detention allowed by the Code of Criminal Procedure for 2 years and to evade the issuance of writs of habeas corpus, the executive and judicial authorities have introduced a new pattern of "emergency" laws as a result of legislation, whereby the political system has used the jurisdiction to question trials, often on the same charges as the first ones, to ensure their continued detention.

"People are being released from the State Security Prosecutor after more than two years and they are going to National Security following a new case and then investigating the State Prosecutor to address the new case with the same charges as in the old case. The same process often, because some cases that renewed this is usually for the same allegations in two different cases."¹

Lawyer

The authority in Egypt has expanded its use of "arrest of suspicion" against defenders and human rights defenders, some of which have been successful in some cases through such as lawyer Ibrahim Hammad who has been in prison since his arrest on 18th of December 2013 from Cairo International Airport, while attending the meeting of the United Nations Working Group on Enforced Disappearances, in his capacity as a member of the "Association of Families of Disappeared Persons" in Egypt.²

¹ <http://www.aljazeera.net/news/2014/01/01>

² "Egyptian Human Rights Monitor for Accountability" of Human Rights Watch, <http://www.hrw.org/en/news/2014/01/01/egyptian-human-rights-monitor-for-accountability>

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<http://www.hrw.org/docid/20140101>

In case No. 700 of 2007, the prosecution charged (Hussein) with participating in the State security investigation and it decided to release him on bail of Cardinal 2000 for awaiting the legal period of pre-trial detention. ¹⁰

However, the security forces did not implement the release decision and released (H) and charged it in a new case which carried out with higher supreme state security No. 1000 of 2007. Hussein was sentenced to custody for the second case until the prosecution decided to release him on 20th of August 2008, but this decision was also not implemented and the authorities resorted to the second time. (Hussein) appeared before the State Security Prosecution to investigate in a third case which carried out with higher supreme state security No. 704 of 2008, in which he was accused of establishing and leading a group based contrary to the provisions of the law is that he founded this group during his 6 weeks in and from prison.

This scenario was also repeated in the case of the lawyer and the Executive Director of the Egyptian Commission for Rights and Freedoms, Ismail Ghazal, who was arrested on the 1st of March 2008 and presented to the State Security Prosecution and investigated by higher supreme state security in case No. 800 of 2008 in which the prosecution charged him with joining a terrorist group and disseminating and recruiting him into it. On the 20th of July 2008, the State Security Prosecution began investigating Ghazal in a new case, which was carried out with higher supreme state security No. 1000 of 2008, where he was accused of joining a terrorist group and decided to be released from the first case. After being held in the first case for a maximum of two years' imprisonment, the formal imprisonment began in the second case, No. 1000 of 2008, of which he is still in custody, and he still has to be tried. ¹¹

The policies of prolonged and renewed of accusations, pre-trial detention, the human rights defender (Hussein) of Human Rights League (part of) of Arabic Center for Rights and Freedoms, who has been in custody since September 2007 ¹² lawyer of the Arab Network for Human Rights Information.

Amr Hamed, who has been in custody since October 2007 ¹³ and the lawyer concerned with human issues and rights, (Hussein) Mohammed who has been in custody since May 2007 ¹⁴ lawyer and former member of the National Council for Human Rights, (Hussein) Abdel Hameed, who has been in custody since November 2008. ¹⁵

¹⁰ Ministry of Justice, in custody
¹¹ Egypt press, State Security Prosecution arrested Ismail Ghazal

¹² <http://www.egyptiancommissionforhumanrights.org/press-releases/2007/09/01/010907.html>
¹³ <http://www.egyptiancommissionforhumanrights.org/press-releases/2007/10/01/011007.html>
¹⁴ <http://www.egyptiancommissionforhumanrights.org/press-releases/2007/05/01/010507.html>
¹⁵ <http://www.egyptiancommissionforhumanrights.org/press-releases/2008/11/01/011108.html>

¹⁶ According to the last interview conducted with (Hussein) during his stay in the prison of the Ministry of Justice, January 2008, 2008/01/08, 08 Jan 2008.

¹⁷ <http://www.egyptiancommissionforhumanrights.org/press-releases/2007/05/01/010507.html>
¹⁸ <http://www.egyptiancommissionforhumanrights.org/press-releases/2007/05/01/010507.html>
¹⁹ <http://www.egyptiancommissionforhumanrights.org/press-releases/2007/05/01/010507.html>

During the years of the declaration of a state of emergency in Egypt, the Supreme State Security Court (SSSC) issued numerous arrest warrants against members of Human Rights Watch in Egypt. In December 2014, the Supreme State Security (Criminal) Court sentenced **Amr Abdel Fattah** to a 5-year imprisonment, human rights defender **Mohamed al-Basari** to 8 years, **Amrallah Mohamed Ibrahim al-Jirjisi** to 6 years, and **Youssef al-Sayid** to 4 years.

The Court charged them with “spreading false news using social networks” in case No. 1234 of 2014 State Security/Emergency. Mohammed al-Basari was also previously fined by the Court in **Abdelmoneim al-Basari et al. v. State of Egypt** in September 2015 in case No. 100 of 2014 restricting the sovereignty of a higher state.¹⁰

Besides the judgment was rendered by a special tribunal whose procedure cannot be appealed, the trial itself allowed a number of violations of the three articles’ right to self-defence. In the course of three pre-sentencing hearings, the Court did not respond to any of the three articles’ defence requests, which included consulting with their lawyers, and obtaining a photocopy of the case file. The three accused were also confronted with no evidence of charges against them other than some of the old publications attributed to them on Facebook, and the Tribunal did not allow international observers to attend the hearings, although they were public. During the sentencing hearing session, an attempt was made to create the full from the bodies of the three articles, but it did not succeed. The articles were rendered by a court constituted because the judge did not come to court proceedings.¹¹

The details of **Amr Fattah** and **al-Basari**’s trial were similar to the proceedings of the **Muhammad Kamel** trial at the Central Security of Maroua and the human rights defender **Abdelhakim al-Khawas** arrested by the court in case No. 877 of 2014 with the Supreme State Security Prosecutor for spreading false news. The trial sentenced them to four-year imprisonment, although the same charge exists among the charges that **Sami Ibraim** faces in No. 411 of 2014, and he has been in custody pending investigation since late of February 2015.¹²

In his judgment, the judge relied on the petitioner’s testimony and the minutes of the investigation by the National Security Service, without any further evidence of his culpability corroborated by factual circumstances of imprisonment or imprisonment, the Office of Verification of Judgments of the State Security/Emergency Court on 1/20 of February 2014 and a verbal order under way before a new chamber of the State Security/Mohammed Court.¹³

¹⁰ <http://www.hrw.org/news/2015/02/03/egypt-state-security-court-convicts> accessed on September 1, 2015 10:30 AM

¹¹ <http://www.hrw.org/news/2015/02/03/egypt-state-security-court-convicts> accessed on September 1, 2015 10:30 AM

¹² <http://www.hrw.org/news/2015/02/03/egypt-state-security-court-convicts>

State security courts are not the only body responsible for processing and handling human rights violations before the sub-judicial courts. The human rights defender and director of the Egyptian Initiative for Personal Rights, Hossam Bahgat, was subjected to prosecution before the military court in November 2011, where he was summoned to investigate his father's military prosecutor's office, who accused him of spreading false news and statements that could undermine public peace, the dissemination of information and statements detrimental to public peace and the national interest during his investigation of case No. 14677 of 2009 concerning military offences in the north. The Court decided to order his detention for 3 days (pending his arrest), but he was released only two days later as a result of a broad international solidarity campaign by international governmental and non-governmental organizations as well as a number of Western Governments.¹²⁴

¹²⁴ Bahgat reported to the Egyptian Initiative for Personal Rights about his arrest and prosecution before the military court in his report "The Egyptian Initiative for Personal Rights' report on the prosecution of Hossam Bahgat before the military court", 2011. <http://www.eipr.org/2011/07/20110701>

¹²⁵ <http://www.eipr.org/>

¹²⁶ <http://www.eipr.org/2011/07/20110701> and <http://www.eipr.org/2011/07/20110701> and <http://www.eipr.org/2011/07/20110701>

Mohammed Al Baqer:

2 cases, four years' imprisonment and indictment terrorist role

Case 1: Mohammed Baqer founded the *Islamic Center for Rights and Freedoms* in 2014, an Egyptian legal center, aimed at... Mohammed Al Baqer has been in custody since September 2017 *JD*, after being arrested by the State Security Prosecutor while attending the investigations alongside international and human rights defender, *Ali Abdel Fattah* in case No. 1024 of 2017; the prosecutor accused him with higher supreme state security of spreading false news and joining terrorist group.¹

During his imprisonment, Al Baqer was subjected to a variety of violations that began with an assault upon his arrival in prison in October 2017, in addition to being deprived from some of his fundamental rights as a prisoner pending investigation, including not being allowed to obtain medication from outside the prison, as well as not being allowed to be visited by the prison doctor. Al Baqer's wife, *Hana Mohamed* had previously complained about preventing the entry of heavy winter clothing or access to Al Baqer in the prison, as well as being prevented from juggling or being exposed to sunlight despite the extreme cold winter of 2020.

While in prison, Mohammed Al Baqer was subject to renewal of accusations and charges again with higher supreme state security in case No. 1024 of 2017. The prosecution charged him with: 'Joining a terrorist group, participating in a criminal agreement for the purpose of committing a terrorist crime of publishing and disseminating false news, to spread an outbreak in the State for the purpose of spreading them in the country.'²

The 1024 investigation minutes in the case dated 1 August 2020 alleges that 'during visits and juggling, he communicated with elements of the terrorist group in order to promote the issuance of many elements and to achieve the group's purposes of spreading false news with a view to destabilizing security and stability in the country'. Although the defendant is a non-terrorist and his arrival to the prison was unrelated from juggling since December 2016 and hearings regarding the extension of his detention have been studied in prison since his arrival to the spread of the coronavirus, promptly present lawyers with Al Baqer, at the investigation hearing.

¹ <https://www.egyptpress.com/Article/1024-2017>

² *Document reference*

³ <https://www.egyptpress.com/Article/1024-2017>

"The Court held *de Bagep* is suitable for one and a half year on the basis of an investigative proceedings. The court is an impartial body and has decided this for one and a half year. It is not possible to rely on an investigative records, but in the case of the Egyptian litigation system it is sufficient, we have death penalties previously handed down on the basis of an investigative proceedings only without a conviction or presumption. Despite the issuance of judgments concluding that subjective inquiries can be relied upon as evidence of conviction, but in the present period the minutes of the inquiries is everything and sufficient to judgement, but it must be emphasized that it is *de Bagep* and *de Bagep* was judgement made based solely on investigations based, which states considerable attention to the performance of the judiciary of both the investigation and litigation stage." ¹

Case of *de Bagep*'s lawyers

On 18th of October 2020, the Department of Al-Sayid Prison informed *de Bagep* that he had been referred to the State Security Emergency Mechanism Court for consideration of a criminal case in which *de Bagep* was charged, as well as *Abu-Metal Karam* and *Mohamed Ibrahim Gogay*. The Case No. 1008 of 2020 pertains emergency state security mechanism. *de Bagep* was prosecuted in this case for charges which relate to the first case which is regarding *de Bagep*.

"The way in which *de Bagep*, *de Bagep*, and *Gogay* were prosecuted indicates that the judgment was prearranged and that they did not have a chance to defend properly. *de Bagep*, for example, is a criminal law case. What is the need to copy the charges against which the first case was resolved? It would have been preferable to be prosecuted directly in the first case, or what is the need for repeating the third case?" ²

"It cannot be said that the Court was fair or impartial in any way. The Court requested requests to make a copy of the case papers and give us time to prepare the defence, and finally allowed us to see the case papers, and the same way we had within the Office of the Chief Prosecutor which is considered an attorney in the case, how could I be informed under the supervision of the opponent? The Case papers are over 1000 pages, how can I study the case papers, and prepare my defence without having a copy of the newspaper? After all, the court issued the judgement without the defence case, without without having the chance to appear on the bench and inform us of its verdict. This judgement was approved by the Court's called that it was, (defence, suspended process were *de Bagep*'s jurisdiction has been lost and it has transformed into a group of employees who receive orders from the security." ³

Case of *de Bagep*'s lawyers

¹ Interview with the lawyer representing *de Bagep*.

A chronology of the prosecutions against Muhammad Al Bager

September 29th, 2019

Muhammad Al Bager was arrested while attending the investigation with Alaa Abdel Fattah, who was arrested in turn from inside the Cairo police station after the end of the surveillance apparatus was changed in case No. 1584 of 2019 and a center was issued for their pretrial detention for 15 days after accusing them of belonging to a terrorist group. Financing a terrorist group, spreading false news that could destabilize national security and using social media to commit publishing crimes.

August 31st, 2020

The Supreme State Security Prosecution added Al Bager to pending in another case (Case No. 1584 of 2019, accusing financing-terrorist group, again, and participating in a criminal agreement for the purpose of committing a criminal crime from inside prison. Al Bager defended himself during the investigation and demanded that he be prohibited in the name of the terrorist group that the prosecution accuses him of belonging to, as well as that he is prohibited from receiving and visiting due to the spread of the Corona epidemic, which indicates the impossibility of carrying out the charge against him from inside his prison.

November 19th, 2020

The Criminal Court added Al Bager and Alaa Fattah to the list of terrorists in connection with Case 1584 of 2019, State Security, for a period of five years, which means a ban on travel, the release of funds, and deprivation from participating in any publication or activity for a period of five years.

October 18th, 2021

Detention of Al Bager, Alaa Fattah and Gogger to trial pending case No. 1584 of 2019, emergency state security mechanisms without the suspension of the trial. The Supreme State Security Prosecution replied the charges in this case from Case No. 1584 of 2019. In this context, the court rejected the defense requests to postpone the case papers to prepare their defense for their claims, articles related to the case within their claims.

December 30th, 2021

Al Bager and Gogger were sentenced to four years in prison for spreading false news on a social media site, and Alaa Fattah to four years in prison for the same charge.

Hoda Abdel Moncim:

Three and a half years of arbitrary detention and the countless torturers.

On November 2008 (1), a force of the police and the National Security Service stormed the home of the former lawyer and member of the Human Rights Council Hoda Abdel Moncim, no longer after three weeks until she appeared at the State Security Prosecution on November 2008 (2). After the disappearance of the woman lasted for twenty days she was investigated and arrested joining extremist groups consisting a circle of housing and building to revive the national economy and she was sentenced in custody in Case No. 1934 of 2008 Supreme State Security until the date of preparing this report.

Hoda Abdel Moncim was arrested as part of a crackdown by the team of the Egyptian Commission for Rights and Freedoms, which is active in documenting official disappearances and the death penalty and provides legal support to victims' relatives. Hoda volunteered to work as a consultant for the organization team during that campaign, at least 10 human rights defenders and lawyers were arrested according to what Amnesty International has documented. On the same day, the Egyptian Commission issued a statement announcing the suspension of its work in the field of human rights. ¹

The Hoda's case is the best example of the situation of human rights defenders in Egypt. She was prosecuted on vague charges, and upon judicial detention turned into questioning in court of truth in conditions violating her basic rights as a prisoner without enjoying fair or valid medical care. The Supreme State Security Prosecution is playing an active role. If we go back to talking to investigate the facts of her disappearance and effective treatment through lawyers. After that chapter is about torturous conditions which is for the future as exceptional court that lacks the minimum rules of a fair trial in terms of independence and impartiality guaranteeing the right of defense and communication between the defense and its clients among other things. Question: How Hoda and others are paying the price for publicly advocating for human rights in Egypt? ²

Researcher interested in the issues of human rights defenders in Egypt.

¹ <http://www.egyptiancommissionforrightsandfreedom.org/egyptian-commission-for-rights-and-freedom-announces-suspension-of-its-work-in-the-field-of-human-rights>

² <http://www.egyptiancommissionforrightsandfreedom.org/egyptian-commission-for-rights-and-freedom-announces-suspension-of-its-work-in-the-field-of-human-rights>

³ Interview by telephone, June 10, 2014

Abdel Moneim is still in pretrial detention at the time of this writing, despite having completed the two-year period on December 21st, 2020, and the Supreme State Security Prosecution referred Abdel Moneim to the Supreme State Security Court on August 23rd, 2021, and the first trial session was held on 29 September 2021.

Abdel Moneim is being tried before an exceptional court that is not impartial and independent, which almost precludes any guarantee of a fair trial, especially with regard to the right to defence. Abdel Moneim's trial sessions, as well as most witnesses and defendants, are held inside the institution of Police Sector 15, which is a non-neutral place affiliated with the Ministry of Interior, which means that jurisdiction rests with the executive authority during court sessions from the beginning of the case to the issuance of the ruling. The court also shows the executive authority in applying Abdel Moneim's sentence.

¹⁴ Ms. Huda Abdel Moneim has been barred from visiting her son for more than half year. During the court sessions, the lawyers request that her daughter visit her, and sometimes the judge agrees, but the National Security office prevents it from its refusal to implement the judge's statement, and therefore the judge is forced to reject the defendant's request after he had agreed first. The judge gave permission twice to visit and the National Security refused to implement, and this is the biggest evidence that the judge's decision is not independent and impartial.¹⁵

Lawyer

Noteworthy that since the arrest of Mrs. Huda her health condition has significantly deteriorated, which made her transported to an ambulance to attend court sessions. Despite this, the prison administration has been willing in the delivery of medication to her, which helps in alleviating, including the injury of her left kidney as follows: no work and she suffered a stroke. She had at least stroke during her detention and was subsequently transferred to the prison hospital, which is not equipped to deal with such medical cases.

Mrs. Huda Abdel Moneim is imprisoned in Al Dawaa' court in Al Operator Prison. Her health condition has deteriorated and she is now sixty years old. Her health conditions are deteriorating. She does not receive medical care. Before her case was referred she had completed the legal judicial detention limit. She is kept in court sessions in an ambulance, very poor, not equipped with any services, and waiting for statement. The

Lawyer

¹⁴ <https://www.egyptianpresssyndicate.org/egyptianpresssyndicate.com/2021/09/29/2021092901>

¹⁵ <https://www.egyptianpresssyndicate.org/egyptianpresssyndicate.com/2021/09/29/2021092901>

A chronology of the prosecutions against Abdel Moneim

November 1st, 2008

The arrest and enforced disappearance of Abdel Moneim.

November 21st, 2008

Abdel Moneim's appearance in the Supreme State Security Prosecution, accused of providing investigations to Casafin-1982/2008, violating the Supreme State Security Prosecution.

November 21st, 2008

Abdel Moneim signed the legal procedural document period and did not release them despite this.

August 13rd, 2009

The Supreme State Security Prosecution referred Abdel Moneim, along with 58 others, to the Supreme State Security Court.

September 21st, 2009

Holding the first court session.

Conclusion

Judicial assessment of human rights defenders in Egypt has been – and will be – one of the Egyptian regime’s tools of repression using the judicial system as a part of the Executive Authority in violating the basic rights of human rights defenders, which are the rights stipulated in accordance with the Egyptian constitution and its awareness with the International Covenant for civil and political rights.

The judicial authority has violated the rights of defenders in freedom of movement and travel and prevented them from traveling on cases that do not require making arrest, such as a trial case, in addition to the restriction of their movement for nearly 40 years in some cases.

The judicial authority has also included human rights defenders on terrorist lists and prevented them from exercising their civil and political rights, such as preventing them from suing, running for office, and other rights, in an arbitrary and totalitarian manner, along with imposing further restrictions and curbing the activities of defenders.

The judicial authority policies later developed to be more explicit by violating the defenders’ right to physical integrity and the right to protection from torture and other forms of inhuman and degrading treatment by refusing and ignoring the investigation of the defenders’ statements that they were subjected to enforced disappearance and physical and psychological torture. The investigation and litigation authorities also have violated the rights of the defense, by not allowing the defense to prepare its pleading for its claims, giving sufficient time, and sometimes issuing judgments without hearing the defense, as happened with Mohamed El Shehry after was sentenced to four years in prison.

Specifically about the investigation authorities: The Supreme State Security Prosecution also made violation of the defenders’ right to preservation of innocence according to the legal rule ‘the accused is innocent until proven guilty’ its additional policy is the policy of reaction through investigations with them pending new cases, but with the same conditions, because they continue to be imprisoned for more than the two years stipulated in the law and in other more recent cases, imprisonment for the same case is continued for more than two years.

Specifically about litigation authorities such as defendants before an exceptional court such as terrorism departments or emergency state security courts or military courts, accusing the defendants of terrorist crimes such as joining a terrorist group, forming a terrorist group in addition to the crime of spreading false news and other crimes. The final charges are based on the false application of national and terrorist articles in particular which are contrary to the law that violate the rights and freedoms stipulated in the Egyptian constitution, and which include enforced disappearances, extrajudicial killings, arbitrary arrest and detention, in addition to providing protection for law enforcement forces from accountability and investigation.

We once again call for the Egyptian regime to stop judicial harassment and violations against human rights defenders, to lift its hand from the judiciary and preserve its independence, and implement justice and the rule of law.

Finally, we call on the United States, the European Union, and its member states to condemn the harassment and judicial harassment against human rights defenders, journalists, and political activists in Egypt and use all the means at their disposal to pressure to address the human rights crisis in Egypt, in order to comply with their human rights obligations.



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