

Targeting
the last line
of defense:

EGYPT'S ATTACKS AGAINST LAWYERS

September 2020



Joint briefing paper by
the International Commission
of Jurists and the Tahrir Institute
for Middle East Policy



The Tahrir Institute
for Middle East Policy



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I. Introduction

Under the Egyptian Constitution, “the legal profession is an independent profession”¹ that contributes, together with the judiciary, to “achieving justice and the rule of law, and ensuring the right to defence.” The Constitution further provides that, “[e]xcept in cases of *flagrante delicto*, arresting or detaining lawyers while exercising their right of defence is prohibited.”²

Despite these guarantees, many Egyptian lawyers have been subjected to government attacks over the past six years, including: instances of arbitrary detention; physical assault, including as a result of torture and ill-treatment, some resulting in death; enforced disappearance; and politicized judicial proceedings based on charges related to, among others, “terrorism”, “spreading false news” and “misusing social media.”

These attacks are part of a larger crackdown on individuals and organizations suspected of opposing the government or for simply exercising their fundamental freedoms. They involve serious violations of Egypt’s obligations under international human rights law, including those arising under the right to life; the right to liberty and security of person and the right to be free from arbitrary detention, enforced disappearance and torture and other ill-treatment; and the right to a fair trial. Furthermore, such attacks run counter to international standards on the role and independence of lawyers, which reflect core rule of law principles that stipulate lawyers must be able to discharge their professional functions without hindrance, harassment or improper interference.³ Accordingly, lawyers may not suffer or be threatened with prosecution for any action taken in accordance with their professional duties.⁴

In addition to detailing the broader trends of attacks against lawyers in the country, this paper by the International Commission of Jurists (ICJ) and the Tahrir Institute for Middle East Policy (TIMEP) analyzes a set of emblematic cases of lawyers who have been subject to arbitrary detention in Egypt over the past two years. These cases reflect a pattern of politicized judicial proceedings; arbitrary detention, including through the abusive use of pretrial detention; allegations of torture and other ill-treatment and enforced disappearance; and the abusive use of terrorism-related charges against detained lawyers. Combined, these attacks demonstrate a course of conduct on the part of State institutions that aims to weaken and curtail the role of the legal profession, thereby dismantling the last line of defence against the government’s sustained crackdown on human rights and fundamental freedoms in Egypt.

Appendix A referred to in this paper includes a non-exhaustive list of 35 lawyers who have been arrested and arbitrarily detained in Egypt since January 2018.

II. Political context

Increasingly since 2013, Egypt has witnessed a consolidation of authoritarianism and corresponding incremental collapse of the rule of law. Both repressive laws and practices have paved the way for a government crackdown on civil society organizations and a disappearing space for political organizing, resulting in few to no platforms for independent expression. These restrictions have affected and undermined the work of many different actors, including the legal profession as a whole, and human rights lawyers in particular.⁵

Meanwhile, executive interference and influence in judicial and prosecutorial affairs, an expanded role for the Supreme State Security Prosecution (SSSP), and the prevalence of arbitrary detentions, mass trials, enforced disappearances and torture and other ill-treatment have

¹ Section Six: The Legal Profession, Article 198: Guarantees, prohibition against arrest, Egypt Constitution of 2014, available at: https://www.constituteproject.org/constitution/Egypt_2014.pdf

² *Ibid.*

³ See, chiefly, the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba 27 August to 7 September 1990.

⁴ *Ibid.*

⁵ TIMEP and Law Society, Joint UPR Submission on Egypt, available at: <https://timep.org/reports-briefings/special-reports/timep-and-law-society-of-england-and-wales-joint-upr-submission-on-egypt/>

undermined the fair and effective administration of justice in the country.⁶ Furthermore, the Bar Association (the Lawyers' Syndicate), which is perceived to be toeing the government's line, has, thus far, failed to take any effective measures in defence of the independence of the legal profession in general – and, in particular, of lawyers under attack – thereby contributing to the deterioration in the rule of law and the human rights situation in the country that continues today.

While attacks on lawyers and the legal system have continued unabated in recent years, a spike in such attacks took place in the immediate wake of the 20 September 2019 protests, when hundreds of Egyptians took to the streets to peacefully protest against the rule of President Abdel Fattah Al-Sisi and government corruption in Cairo, Alexandria, Damietta, Mahalla Al-Kubra and Suez, among other cities. The protests were met with a brutal crackdown, resulting in the arrest of nearly [4000](#) people over two weeks by the Egyptian authorities, including at least [111](#) children, many of whom were not allowed to contact their families, and were held in detention alongside adults.⁷ Groups of individuals were questioned simultaneously, accused of terrorism-related offences and “disseminating false news” and placed in pretrial detention.⁸ According to information available to the ICJ many of the interrogations of the individuals arrested were not conducted in the presence of a lawyer. Lawyers only had access to their detained clients when they were brought before the SSSP, where prosecutors interrogated them and ordered their detention. At least 19 lawyers told the ICJ that their ability to represent detainees before the SSSP had been severely restricted by prosecutors and security services. They were not permitted access to detainees before interrogations to advise them in confidence, or to assist them during interrogations.

Many of those arrested in the weeks following the September 2019 protests were lawyers themselves, including Mahinour Al-Massry, Sahar Ali, Mohamed Al-Baqer, Mohammed Hamdi Younis, Mohamed Helmy Hamdoun, Ahmed Sarhan, Ahmed Abd El-Azimm and Amr Imam.

Following mass arrests in the aftermath of the September 2019 protests, several lawyers informed the ICJ that they feared reprisals, including arbitrary detention, if they were to challenge prosecutors or to insist on advising detainees during interrogations. The cases set forth in the section below, document how at least two lawyers were arbitrarily arrested and detained while exercising their professional duties before the SSSP. Moreover, since March 2020, at least three lawyers have been arrested, two of them for reasons believed to include — as hinted at in the cases below — their social media activity and calls for detainees to be released with a view to averting spread of the coronavirus (COVID-19).

At the beginning of the COVID-19 pandemic in March 2020, Egypt—like many countries—took a number of measures to curb the spread of the disease, including through the implementation of partial curfews, the closure of courts, and the expansion of emergency powers under the country's Emergency Law.⁹ Some of these measures had a direct, negative impact on access to justice and the legal protection of rights, including fair trial rights.

On 10 March 2020, the authorities suspended prison visits, without providing detainees with the option to access, at the very least, online platforms to communicate with their lawyers and

⁶ TIMEP, Egypt's Prosecution and Fair Trial Guarantees, available at: <https://timep.org/commentary/analysis/egypts-prosecution-and-fair-trial-guarantees/>

⁷ Egypt: Largest wave of mass arrests since President Abdel Fattah Al-Sisi came to power, Amnesty International, 2 October 2019

⁸ The vast majority of those arrested were accused of “joining and abetting a terrorist group,” “disseminating false information,” “misusing social media” and “participating in unauthorized protests.” Egypt: Largest wave of mass arrests since President Abdel Fattah al-Sisi came to power, Amnesty International, 2 October 2019, available at: <https://www.amnesty.org/en/latest/news/2019/10/egypt-largest-wave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/>

⁹ Sudarsan Raghavan, As coronavirus spreads in Egypt, Sissi sees opportunity to tighten his grip, Washington Post, 10 May 2020, https://www.washingtonpost.com/world/africa/as-coronavirus-spreads-in-egypt-sissi-sees-opportunity-to-tighten-his-grip/2020/05/10/11a840be-92a5-11ea-87a3-22d324235636_story.html

family members, effectively depriving detainees of most means of communication, in violation of the right to access to counsel and the right to family visits.¹⁰ While court hearings were suspended in the same month, pretrial detention court proceedings resumed at the beginning of May 2020 and lawyers were not granted access to the courts. Lawyers were therefore unable to represent their detained clients and apply for their release; once again, no alternatives, such as online and/or telephone facilities were made available to detainees.¹¹

In addition, during the government-imposed partial curfew, lawyers were not exempted from the obligation to stay indoors, making it impossible for them to defend clients who were arrested during curfew hours.

III. Attacks against lawyers

Recent attacks against lawyers have included instances of arbitrary detention, torture and other ill-treatment, enforced disappearances, and numerous forms of harassment and intimidation.

A. Arbitrary detention, torture and other ill-treatment and enforced disappearance

Over the past two years, many Egyptian lawyers were arbitrarily detained and subjected to prolonged periods of pretrial detention. As illustrated by the following cases, such attacks intensified immediately following the September 2019 protests.

1. Arbitrary detention

The ICJ and TIMEP consider that the detentions of the lawyers whose cases are outlined below, and of those whose cases are featured in the attached list (Appendix A), are arbitrary, as they are solely based on the lawyers' peaceful exercise of their human rights and/or the legitimate discharge of their professional duties. Their detentions are also arbitrary because of the sweeping nature of the charges against them and the violations of their fair trial rights.

The cases mentioned below and in Appendix A reflect a pattern whereby detainees are generally arrested without a warrant and, in many instances, subjected to enforced disappearance for days, weeks or even months, before they are brought before the SSSP. The SSSP subsequently orders their pretrial detention based on trumped up charges related to, among others, "terrorism", "spreading false news" and "misusing social media".

These charges are often vague and overbroad, and the authorities fail to disclose, for example, the terrorist organizations that the lawyers are accused of having aided or joined. Evidence against them is largely not shared with the accused or their lawyers, and the latter are systematically denied access to case files. Lawyers are further denied the ability to privately consult with their clients prior to and during the interrogation.

Overall, these cases are part of a wider, relentless crackdown on fundamental rights and freedoms by the Egyptian authorities. As previously documented by the ICJ and TIMEP, following the ouster of President Mohamed Morsi in July 2013 and the ensuing crackdown, thousands of individuals were arbitrarily detained, including cases where hundreds of individuals were denied access to counsel and held incommunicado for months.¹² The United Nations (UN) Committee

¹⁰ TIMEP, Detention During COVID-19: What MENA Governments Are, Aren't, and Should Be Doing, 3 April 2020, <https://timep.org/commentary/analysis/detention-during-covid-19-what-mena-governments-are-arent-and-should-be-doing/>.

¹¹ Egypt: Court arbitrarily extends the pre-trial detention of over 1,600 defendants, Amnesty International, 7 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/egypt-court-arbitrarily-extends-the-pretrial-detention-of-over-1600-defendants/>

¹² See for example ICJ, Egypt's Judiciary: A Tool of Repression - Lack of Effective Guarantees of Independence and Accountability (2016), pp. 34-36

against Torture (CAT) has recommended that Egypt abolish incommunicado detention.¹³ The UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism reiterated this recommendation.¹⁴ However, recent cases demonstrate that individuals continue to be systematically held incommunicado, sometimes for months.¹⁵

Under international law, including article 9(3) of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a State party, individuals arrested or detained in connection with a criminal offence must be “brought promptly before a judge or other officer authorized by law to exercise judicial power.”¹⁶ The Human Rights Committee (HRC) has clarified that such hearings should take place within 48 hours and be conducted by a judge or other authority that is independent, objective and impartial,¹⁷ and that a public prosecutor does not meet these requirements.¹⁸ Article 9(3) of the ICCPR, in addition to other international standards, requires States to apply a presumption that people charged with a criminal offence will not be detained while awaiting trial.¹⁹

a. Case studies

Ibrahim Metwally

Ibrahim Metwally is a prominent lawyer and coordinator of the Association of the Families of the Disappeared. On 10 September 2017, he was arrested at Cairo International Airport. He was travelling to Geneva where he was supposed to provide information, including about the enforced disappearance of his son, to the UN Working Group on Enforced or Involuntary Disappearances. The Working Group expressed serious concern that, “the arrest and charges against Mr. Metwally point to an act of reprisal for his cooperation with a United Nations human rights mechanism, and a deliberate obstruction of his legitimate human rights activity to seek to establish the fate and whereabouts of his son and other disappeared people in Egypt.”²⁰ Metwally was forcibly disappeared for two days, then brought before the SSSP and officially accused in Case No. 900/2017 of “membership in a terrorist group” and “disseminating false news.”²¹ After more than two years in pretrial detention, his release was ordered on 14 October 2019, subject to police control measures. Instead, he was subsequently transferred to, and detained at, Nasr City Police Station for over a week while awaiting his release from detention. In the end, he was not released and his whereabouts remained unknown until 5 November 2019, when he was brought again before the SSSP, and interrogated in relation to Case No. 1470/2019. Metwally was subsequently accused of, among others, “membership in a terrorist group”; “publishing false

¹³ Committee against Torture, Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Conclusions and recommendations of the Committee against Torture, UN Doc. CAT/C/CR/29/4 (2002), para.6(h)

¹⁴ Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN Doc. A/HRC/13/37/Add.2 (2009), para.55

¹⁵ See for example, ICJ, Egypt: authorities must end the arbitrary detention of human rights lawyer Mohamed Ramadan (2018), available at <https://www.icj.org/egypt-authorities-must-end-the-arbitrary-detention-of-human-rights-lawyer-mohamed-ramadan/>; ICJ, Egypt: Authorities must release arbitrarily detained individuals (2018), available at <https://www.icj.org/egypt-authorities-must-release-arbitrarily-detained-individuals/>

¹⁶ ICCPR, art. 9(3); African Charter on Human and Peoples’ Rights, art 6. Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, principle M(3)

¹⁷ Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), CCPR/C/GC/35 (16 December 2014) (HRC General Comment No. 35), paras 32 and 33

¹⁸ *Id.*, para. 32

¹⁹ ICCPR, art. 9(3); Convention on the Rights of the Child (CRC), at. 37(b). Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, principle M(1)(e); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 39

²⁰ Report of the Working Group on Enforced or Involuntary Disappearances. A/HRC/39/46 . 30 July 2018. Paras : 95-96

²¹ Egypt: Human rights lawyer must be released: Amnesty International, 15 September 2017

information for the purpose of disturbing the security and the stability of the country”; and “misusing social media”.²²

According to information available to the ICJ, Metwally was subjected to torture and other ill-treatment by National Security officers. Reported methods of torture and ill-treatment included handcuffing his hands and feet and fixing him to a wall; forcing him to sleep in a sitting position; stripping him of his clothes and pouring cold water on his body; and subjecting him to electric shocks on several parts of his body, including his genitals.

At the time of writing, no investigation has been conducted into the allegations of torture and other ill-treatment made by Metwally, and he remains detained. While in detention, he has also been denied access to adequate medical care. On 26 August, 2020, Metwally was ordered released on police control measures.²³ However, he was not physically released and on 6 September 2020, he was brought again before the SSSP and accused of establishing and leading a group contrary to the provisions of the law that was founded during his transportation to and from prison. He was ordered into pretrial detention per Case No. 786/2020.²⁴ At the time of writing, he remains in custody.

Mohamed Ramadan

In April 2017, human rights lawyer Mohamed Ramadan was sentenced in absentia to a ten-year prison term on charges under the Anti-Terrorism Law, including insulting the president; misusing social media; and inciting violence. He was also sentenced to a term of house arrest of five years and a five-year social media ban. Ramadan appealed his conviction and the sentence. His appeal is currently pending while the Supreme Constitutional Court reviews a separate claim involving the constitutionality of the Anti-Terrorism Law.²⁵

On 10 December 2018, Ramadan was arrested in Alexandria in relation to a separate set of accusations. His arrest took place shortly after the “yellow vest” demonstrations in France and after he posted a photo of himself wearing a yellow vest on his personal social media account. He was held overnight in an unknown location until 11 December, when he was formally accused in Case No. 16576/2018 of “calling for demonstrations against the government”; “working with a terrorist group to achieve its purposes while knowing its objectives”; “spreading false news”; and “misusing social media.”

While in detention, Ramadan was physically assaulted, including at least one incident where he was beaten in the stomach by a prison guard,²⁶ and has been denied the right to a family visit. At the time of writing, he remains held in solitary confinement at the Borg Al-Arab Prison in Alexandria.

²² [Egypt must free human rights lawyer detained in “double jeopardy” case](#). 20 November 2019 : joint statement by UN experts: Mr. José Guevara Bermudez, Chair Rapporteur of the UN Working Group on Arbitrary Detention; Ms Agnès Callamard, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders; Mr. Luciano Hazan, Chair-Rapporteur, Working Group on Enforced or Involuntary Disappearances

²³ The Italian Insider, Giulio Regeni’s lawyer, Ibrahim Metwaly to be released from prison, 28 August 2020, available at: <http://www.italianinsider.it/?q=node/9437>

²⁴ Daarb News, The second rotation (Arabic), 7 September 2020, available at: <https://bit.ly/32872Kh>

²⁵ Frontline Defenders, Mohamed Ramadan, available at: <https://www.frontlinedefenders.org/en/profile/mohamed-ramadan>

²⁶ Amnesty International, Egypt: Release human rights lawyer detained for wearing yellow vest, 18 February 2019, available at: <https://www.amnesty.org/en/latest/news/2019/02/egypt-release-human-rights-lawyer-detained-for-wearing-yellow-vest/>

Haitham Mohamedeen

Haitham Mohamedeen is a prominent lawyer, labour rights activist and human rights defender. In recent years, he has faced repeated harassment from the Egyptian authorities in connection with his work with human rights organizations in Egypt, including El-Nadeem Centre for Rehabilitation of Victims of Violence and Torture, the Arabic Network for Human Rights Information and the Egyptian Commission for Rights and Freedoms. On 18 May 2018, in the context of protests against austerity measures introduced by the government, he was arrested, forcibly disappeared for two days, brought before the SSSP and formally accused of “inciting unauthorized protests” and of “membership in a terrorist group”.²⁷ He was released on 30 October 2018, under police control measures, which require released prisoners and detainees to spend a certain number of hours at a police station on a daily or weekly basis, and which are used most of the time as a supplementary penalty.

On 13 May 2019, however, Mohamedeen was rearrested at Al-Saf Police Station in Giza for allegedly violating these control measures, forcibly disappeared, then brought before the SSSP and formally accused in Case No. 741/2019 of “membership in a terrorist group”, “abetting a terrorist group in achieving its goals”, “publishing false information for the purpose of disturbing the security and the stability of the country”, and “misusing social media”. On 27 November 2019, the Cairo Criminal Court ordered his release under police control measures.²⁸ The SSSP successfully appealed the Court’s decision and, at the time of writing, Mohamedeen remains in detention.

Hoda Abdelmoniem

Hoda Abdelmoniem is a lawyer, human rights defender and a former member of the National Council for Human Rights (NCHR), Egypt’s national human rights institution. Abdelmoniem was arrested on 1 November 2018, when National Security officers broke into her home at 1:30 am, blindfolded her and took her away. Her whereabouts were unknown for 20 days. On 21 November, Abdelmoniem and eight other detainees, among them lawyer Mohamed Abu Hurayra, were brought before, and interrogated by, the SSSP. They were formally accused in Case No. 1552/2018 of “joining and funding a terrorist organization” and “inciting harm against the national economy.” No evidence was presented against her or the other detainees.²⁹ The accusations are based on a National Security Agency (NSA) investigation report, to which neither Abdelmoniem, nor her lawyers were granted access.

According to information provided by her family, Abdelmoniem suffers from high blood pressure and has sustained a blood clot in her left leg. She has been denied medication for over three months.³⁰ At the time of writing, Abdelmoniem remains in detention.

Zyad Al-Elaimy

Zyad Al-Elaimy, a lawyer, former Member of Parliament and leading figure in the Egyptian Social Democratic Party, was arrested on 25 June 2019 before being brought before the SSSP and formally accused in Case No. 930/2019 for “aiding and abetting a terrorist organization to achieve its objectives”, and “spreading false news on social media to cause strife and to overthrow the government.” The SSSP did not present any evidence to support the accusations against Al-Elaimy, which appear to be based on a [statement](#) issued by the Ministry of Interior on 25 June 2019, in which it claimed that, based on NSA investigations, the Ministry thwarted a

²⁷ [Egypt: Labour rights lawyer Haytham Mohamdeen arrested and held incommunicado](#). Amnesty International, 18 May 2018

²⁸ [Haitham Mohamedeen](#): The Egyptian Center for Economic, Social and Cultural Rights, 10 December 2019

²⁹ [Egypt: Authorities must release arbitrarily detained individuals](#): the international Commission of Jurists, November 28, 2018

³⁰ Anxiety grows for Egypt jail inmates at time of virus shutdowns: <https://www.france24.com/en/20200320-anxiety-grows-for-egypt-jail-inmates-at-time-of-virus-shutdowns>

terrorist plot involving the exiled leadership of the Muslim Brotherhood and representatives of the “civil opposition” in Egypt, with the aim of deposing the State and its institutions. The statement makes reference to the arrest of an unspecified number of individuals in Egypt, eight of whom are explicitly mentioned by name, including Al-Elaimy.

In addition to facing the abovementioned charges, Al-Elaimy has been prosecuted in two other cases. On 10 March 2020, in Case No. 684/2020, the Mokattam Misdemeanour Court in Egypt convicted and sentenced Al-Elaimy to one year in prison and a fine of 20,000 Egyptian Pounds (approximately USD \$1,255) for “spreading false news with an intent to cause panic among the people and disturbing public peace.” The accusations stem from a television interview Al-Elaimy gave to the British Broadcasting Cooperation (BBC) in 2017, in which he criticized the rampant politicization of judicial proceedings in Egypt, and the prevailing use of torture and enforced disappearances in the country.

Al-Elaimy is also being prosecuted in Case No. 571/2020 before the SSSP, although the charges against him remain unknown. On 16 April 2020, however, the Cairo Criminal Court decided, on the basis of an SSSP request, to place Al-Elaimy and 12 other individuals on the “terrorist list”.³¹ Pursuant to articles 3 and 6 of the Terrorist Entities Law, prosecutors may propose additions to the list of terrorists and terrorist entities, after which a circuit of the Cairo Criminal Court has seven days to rule on the proposition. Prosecutors and those affected by the decision then have 60 days to appeal the decision once it has been published. According to information available to the ICJ, neither Al-Elaimy, nor his lawyers were present during the 16 April court hearing, and were not made aware of the charges pending against him in this case or given access to the evidence against him. At the time of writing, Al-Elaimy remains in detention.

Mahinour Al-Masry

On 22 September 2019, Mahinour Al-Masry, a prominent human rights lawyer and defender was [arrested](#) by plainclothes police officers outside the SSSP headquarters in Cairo. She was representing five detainees arrested in the context of the 20 September 2019 protests. The officers bundled Al-Masry into a minibus that had suddenly pulled up beside her.³² On 23 September, she was brought before the same SSSP and formally accused of “participating in achieving the goals of a terrorist group,” “publishing and disseminating false news,” “misusing social media,” and “participating in a demonstration without a license” in Case No. 488/2019.³³ The SSSP did not present any evidence to support the charges against Al-Masry, with the exception of an NSA investigation report, to which neither Al-Masry, nor her lawyers were granted access. On 30 August 2020, Al-Masry was brought before the SSSP once again to be questioned in a second, separate case; she was formally accused of “joining a terrorist group,” and ordered into pretrial detention per Case No. 855/2020.³⁴ At the time of writing, Al-Masry remains detained in the Al-Qanater Women’s Prison.

Al-Masry was previously arrested in relation to her work as a lawyer and human rights defender. On 9 February 2015, she was sentenced to 15 months’ imprisonment for attending an interrogation in her legitimate role as a defence lawyer representing demonstrators at the Al-Raml Police Station in Alexandria in March 2013. The charges on which she was convicted in February 2015 included: “insulting government employees in the performance of their duties”; “insulting representatives of the authorities”; and “attempting to break into a police station.”³⁵ She was released on 13 August 2016 after serving her prison sentence. On 30 December 2017,

³¹ Official Gazette, N° 91. 18 April 2020

³² Egypt: immediately release lawyer Mahienour al-Massry and others arbitrarily detained

³³ Egypt: amidst the crackdown, lawyers are also a target, the International commission of Jurists, 4 October, 2019, available at: <https://www.icj.org/egypt-amidst-the-crackdown-lawyers-are-also-a-target/>

³⁴ Free Mahienour, 30 August 2020, available at:

<https://www.facebook.com/freemahienour/photos/a.532800973497049/2978947445549044/?type=3&theater>

³⁵ Egypt: authorities must effectively investigate deaths of lawyers in custody: The International commission of Jurists, 24 April 2015

the Montazah Misdemeanour Court in Alexandria sentenced Al-Masry to two years' imprisonment for, among other charges, "participating in an unauthorized protest." These charges were brought against her because of her participation in another protest in Alexandria on 14 June 2017 against the Egyptian government's decision to hand over the control of two islands, Tiran and Sanafir, to the Kingdom of Saudi Arabia.³⁶ On 13 January 2018, the Montazah Misdemeanour Court of Appeal acquitted her of those charges.

Mohamed Al-Baqer

On 29 September 2019, Mohamed Al-Baqer, a prominent lawyer, human rights defender and director of the Adalah Center for Rights and Freedoms (Adalah),³⁷ was arrested while representing detained human rights activist Alaa Abdelfattah before the SSSP. During Abdelfattah's questioning, the prosecutor informed Al-Baqer that he too was under arrest, and, on 30 September 2019, ordered the detention of Al-Baqer for 15 days after formally accusing him of "joining and funding a terrorist organization," "using social media for illegal activities," and "spreading false information with the aim of disturbing the public and peaceful order."³⁸

The SSSP did not present any evidence to support the accusations against Al-Baqer, with the exception of an NSA investigation report, to which neither Al-Baqer, nor his lawyer were granted access. During interrogation sessions in the aftermath of his arrest, the prosecutor questioned Al-Baqer about Adalah's human rights work, including submissions to the Universal Periodic Review (UPR). On 28 March 2019, Adalah and the ICJ jointly filed a submission to the Human Rights Council's Working Group on the UPR in advance of its review of Egypt's human rights record in November 2019.³⁹

On 30 September 2019, Al-Baqer was blindfolded by the police on the way to Al-Akrab Prison (Scorpion Prison), a maximum-security facility, and then stripped of his clothes and persistently insulted as he entered the prison. Abusive conditions in Al-Akrab Prison are well documented, including instances of torture and other ill-treatment, some of which have resulted in death.⁴⁰ The authorities at the Al-Akrab Prison have consistently banned detainees from contacting their families or lawyers, and often hold them in cruel and degrading conditions without beds, mattresses, clean water or basic hygiene products. In June 2019, about 130 detainees went on hunger strike in protest against these conditions.⁴¹

On 31 August 2020, Al-Baqer was transferred to the SSSP and questioned in a second, separate case. He was formally accused of "joining a terrorist organization," and "taking part in a criminal agreement to commit a terrorist crime," per Case No. 855/2020.⁴² At the time of writing, Mohamed Al-Baqer remains detained in Al-Akrab Prison.

³⁶ Egypt: Activists and Prisoners of conscience in detention: Mahienour El-Masry and Moataseem Medhat. Amnesty International, 21 November 2017

³⁷ ARREST OF MOHAMED EL-BAQER, Frontline Defenders, available on: <https://www.frontlinedefenders.org/en/case/arrest-mohamed-el-baqer>

³⁸ ICJ PR <https://www.icj.org/egypt-amidst-the-crackdown-lawyers-are-also-a-target/>

³⁹ ICJ and Adalah submission to the Universal Periodic Review of Egypt, International Commission of Jurists, 28 March 2019, available at: <https://www.icj.org/icj-and-adalah-submission-to-the-universal-periodic-review-of-egypt/>

⁴⁰ Egypt: Calls for investigation into death in custody of al-Aqrab prisoner. Amnesty International, 23 August 2019

⁴¹ Egypt: Mass hunger strike at al-Aqrab prison over denial of family visits and dire conditions. Amnesty International, 31 July 2019

⁴² Free Baker, 1 September 2020, available at:

<https://www.facebook.com/120128822725414/photos/a.120232866048343/368833714521589/?type=3&theater>

Amr Imam

On 16 October 2019, the Egyptian security forces arrested Amr Imam, a lawyer and human rights activist. Eyewitnesses reported that security officers broke into his house and arrested him.⁴³

Before his arrest, Imam had announced his intention to go on hunger strike on social media in protest to the arrest and ill-treatment of human rights activists Esraa Abdel Fattah, Alaa Abdelfattah and Mohammed Al-Baqer.

On 17 October 2019, he appeared before the SSSP and was formally accused in Case No. 488/2019 of “aiding a terrorist organization,” “misusing social network tools,” and “spreading false news.” According to information provided by Imam’s lawyers, the SSSP failed to provide any evidence against him, to name the “terrorist” organization he purportedly provided aid to, or to specify the false news he purportedly spread or how he misused social network tools. On 26 August 2020, Imam was transferred to the SSSP and questioned in a second, separate case. He was formally accused of “joining, financing, and supplying a terrorist group with the aim of committing a terrorist crime,” per Case No. 855/2020.⁴⁴

At the time of writing, Imam remains detained in solitary confinement at Tora Prison.

Mohsen Al-Bahnasy

Plainclothes security officers assaulted and arrested lawyer Mohsen Al-Bahnasy near his home in Helwan on 27 March 2020 after he was lured into what he believed was a meeting with a prospective client. At the time, he was beaten by the security officers, shoved into a minibus and taken to his home where security officers confiscated his personal belongings, including his mobile phone, and insulted his family members. He was then brought before the SSSP and questioned for hours, while being denied access to a lawyer. When four of his lawyers were ultimately allowed to be present with him during interrogation, they were not allowed to have access to the case file or to effectively assist him during interrogation. Al-Bahnasy was formally accused in case No. 558/2020 of “aiding a terrorist group to achieve its purposes while knowing its objectives,” “spreading false news,” and “misusing social media.” A few days prior to his arrest, Al-Bahnasy was questioned by State Security in Abbassiya about his social media posts – which he had since deleted – calling for the release of pretrial detainees in light of the risk of a COVID-19 outbreak in Egyptian detention centres.⁴⁵ On 24 August 2020, Al-Bahnasy was ordered released from pretrial detention subject to police control measures, and on 31 August, he was physically released.

b. Abusive use of pretrial detention

Under international standards, including article 9(3) of the ICCPR, individuals arrested or detained in connection with a criminal offence must be “brought promptly before a judge or other officer authorized by law to exercise judicial power.” Article 9(3) of the ICCPR, in addition to other international standards, further requires, in accordance with the right to liberty and the presumption of innocence, that there be a presumption that people charged with a criminal offence will not be detained while awaiting trial. Article 9(3) specifically states: “[i]t shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.” As clarified by the HRC, in accordance with article 9(3), the authorities, including prosecutors and judges in Egypt, must ensure that it

⁴³ For more on the arrest and detention of Amr Imam, see the [statement](#) of the Arabic Network for Human Rights Information

⁴⁴ Daarb News, Cycle of Rotation (Arabic), 26 August 2020, available at: <https://bit.ly/2Z5zGKI>

⁴⁵ Arabic Network for Human Rights Information, In the arrest of human rights lawyer Mohsen Bahnasi: Beatings, Inquisitions, and degrading treatment of lawyers, 29 March 2020, available at: <https://www.anhri.info/?p=15590&lang=en>

should not be general practice to subject accused persons to pretrial detention.⁴⁶ Under international human rights law, consistent with the right to liberty and security of person and the presumption of innocence pursuant to the right to a fair trial, detention pending trial may only be lawfully ordered where there is reasonable suspicion that the individual in question has committed an offence that is punishable by imprisonment,⁴⁷ and a genuine public interest exists which outweighs the particular right to personal liberty that make detention both necessary and reasonable.⁴⁸ For example, there must be substantial reasons for believing that, if released, the individual would: abscond;⁴⁹ commit a serious offence; interfere with the investigation or the course of justice;⁵⁰ or pose a serious threat to public order.⁵¹ The relevant factors should be specified in law and should not include vague and expansive standards such as “public security.”

Pretrial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances of the case at hand. The period of pretrial detention should be based on a determination of necessity as opposed to the potential sentence for the crime charged. Article 9(3) of the ICCPR also stipulates that detainees should be entitled to “trial within a reasonable time or... release.” In interpreting what “a reasonable time” is, “a judicial authority must determine both whether continued detention remains necessary and is legally justified, and whether the length of detention is such that the detainee has been denied his right to be tried within a reasonable time.”⁵² Furthermore, the necessity and reasonableness of detention must be regularly and periodically reviewed.

In almost all the cases documented by the ICJ and TIMEP in this paper, detained lawyers were remanded in custody pending trial, initially on the orders of the SSSP, and subsequently by judges. Prosecutors and judges apply a presumption of pretrial detention without any assessment of whether it is necessary and reasonable in the case at hand, and whether there is reasonable suspicion that the detainees have committed the offence they have been accused of.

The abusive use of pretrial detention in Egypt is in part facilitated by the inadequacy of the legal framework, which purportedly guarantees the right to liberty and freedom from arbitrary detention. Under the Code of Criminal Procedure (CCP), pretrial detention may be ordered when: i) the crimes were committed in *flagrante delicto*; ii) there is a fear the accused will abscond; iii) there is a fear that the interests of the investigation will be compromised either by interference with the victim or witnesses, tampering with evidence or reaching agreements with the other accused to distort the truth; iv) to prevent severe disruption of security and public order; and/or v) if the crime is a felony or misdemeanour punished with a prison sentence and the accused does not have a known residence in Egypt.⁵³

Pretrial detention can be renewed for 15-day periods by either a prosecutor or investigating judge for up to a total of 150 days. Beyond that point, detention must then be reviewed by a judge and renewed in 45-day increments. Article 143 of the CCP sets forth the maximum

⁴⁶ Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), 16 December 2014, CCPR/C/GC/35, para. 38.

⁴⁷ *Id.* See also, *Barreto Leiva v Venezuela*, Inter-American Court of Human Rights (2009), para.122; *Peirano Basso v Uruguay* (12.553) Inter-American Commission of Human Rights (2009), para.110

⁴⁸ Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), 16 December 2014, CCPR/C/GC/35, para. 38; Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32 (2007), para. 30

⁴⁹ *Peirano Basso v Uruguay* (12.553), Inter-American Commission of Human Rights (2009), paras. 81, 85; European Court of Human Rights: *Letellier v France* (12369/86), (1991), para.43, *Patsuria v Georgia* (30779/04), (2007), para. 69

⁵⁰ *Patsuria v Georgia* (30779/04), European Court of Human Rights (2007), para.71; *Peirano Basso v Uruguay* (12.553), Inter-American Commission of Human Rights (2009), para.131

⁵¹ *Letellier v France* (12369/86), European Court of Human Rights (1991), para.51

⁵² See ABA Rule of Law Initiative, Handbook of International Standards on Pretrial Detention Procedure, 2010, available at: https://www.ilsa.org/Jessup/Jessup16/Batch%201/handbook_of_international_standards_on_pretrial_detention_procedure_2010_eng.authcheckdam.pdf

⁵³ Code of Criminal Procedure, art. 134

duration of pretrial detention as follows: "in any case, pretrial detention must not exceed ... six months for defendants accused of misdemeanours (offences punishable by up to three years' imprisonment), 18 months for felonies and two years for felonies punishable by death or life imprisonment." In cases where detainees have already been sentenced to death or life imprisonment and they are appealing the sentence, the court can extend pretrial detention without a maximum time period, effectively creating indefinite pretrial detention in such cases.

These provisions and related practices do not comply with Egypt's obligations under international law, including those under article 9 of the ICCPR, as interpreted by the HRC. The HRC has concluded that, in order to comply with the ICCPR, detention pending trial may be ordered only pursuant to an "individualized determination that it is reasonable and necessary in all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime,"⁵⁴ or "influencing victims."⁵⁵ The HRC has further pointed out, "pretrial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances. Neither should pretrial detention be ordered for a period based on the potential sentence for the crime charged, rather than on a determination of necessity. Courts must examine whether alternatives to pretrial detention, such as bail, electronic bracelets or other conditions, would render detention unnecessary in the particular case."⁵⁶

The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (Principles on Fair Trial in Africa), adopted by the African Commission on Human and Peoples' Rights (ACHPR), further affirm that detention pending trial shall be used only as a measure of last resort, and can only be ordered when "there is sufficient evidence that deems it necessary to prevent a person arrested on a criminal charge from fleeing, interfering with witnesses or posing a clear and serious risk to others."⁵⁷

2. Torture and other ill-treatment

Egypt has a long history of systematically torturing detainees. The death in custody of many of these detainees has been directly linked to their being subjected to torture and ill-treatment while in detention.

a. Prevalence of torture and other ill-treatment

In 2017, after undertaking a rare second "Article 20 Inquiry,"⁵⁸ which concerns cases of "well-founded indications that torture is being systematically practised in the territory of a State party," the UN CAT concluded, "torture appears to occur particularly frequently following arbitrary arrests and is often carried out to obtain a confession or to punish and threaten political dissenters. Torture occurs in police stations, prisons, State Security and Central Security Forces facilities and is perpetrated by police officers, military officers, National Security officers and prison guards. Prosecutors, judges and prison officials, however, also facilitate torture by failing to curb practices of torture, arbitrary detention and ill-treatment or to act on complaints about such violations. Perpetrators of torture almost universally enjoy impunity. In the Committee's

⁵⁴ HRC General Comment No. 35, para. 38

⁵⁵ *Michael and Brian Hill v. Spain*, Human Rights Committee Communication No. 526/1993, U.N. Doc. CCPR/C/59/D/526/1993 (1997), para. 12.3

⁵⁶ HRC General Comment No. 35, para 38

⁵⁷ African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa adopted in 2003, section M(1)(e)

⁵⁸ The first inquiry occurred in 1996. See UN Committee Against Torture, Report of the Committee against Torture, U.N. Doc A/51/44 (1996), available at [http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f51%2f44\(SUPP\)&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f51%2f44(SUPP)&Lang=en)

view, all the above lead to the inescapable conclusion that torture is a systematic practice in Egypt.”⁵⁹

Instances of torture and other ill-treatment documented by the ICJ, including in the context of developing this paper, reflect the Committee’s conclusions. For example, when Ibrahim Metwally and his lawyers reported that he was subjected to torture and other ill-treatment to prosecutors, the SSSP failed to conduct an investigation into the allegations.

In the very few instances where investigations are conducted into allegations of torture and prosecutions actually take place, they typically result in acquittals, or convictions and sentences that are not commensurate with the gravity of the perpetrators’ conduct. As described below, the two police officers charged with beating lawyer Karim Hamdi to death while in custody were both acquitted.

The systematic practice of torture and other ill-treatment in Egypt is facilitated by an inadequate framework on the prohibition of torture and other ill-treatment. The definition of torture under article 126 of the Egyptian Penal Code only establishes liability for torture for the purpose of obtaining a “confession” against a suspect, falling significantly below the standard required by the Egyptian Constitution and the Convention Against Torture, which contemplate torture being undertaken for any number of other purposes. Torture and ill-treatment are also facilitated, as demonstrated by the following cases, by the prevailing impunity of security officials responsible for human rights violations in the country.

b. Deaths following torture and other ill-treatment

The ICJ and TIMEP have previously documented cases of lawyers who were detained and died in police custody as a result of torture and other ill-treatment.⁶⁰

Lawyer Imam Afifi was detained after a demonstration and was taken to the Matariya Police Station in Cairo on 10 April 2015, where he was subjected to torture, including by being hit on the head. On 11 April 2015, he was transferred from the Police Station to Matariya Hospital. A medical report issued on the same day, to which the ICJ had access, indicates that Afifi had been admitted to the hospital with a massive head trauma. He died in hospital on 22 April 2015.⁶¹

Previously, on 22 February 2015, another lawyer, Karim Hamdi, was arrested and questioned on suspicion of belonging to the Muslim Brotherhood and of participating in an unauthorized demonstration against the government. While in police custody in Matariya Police Station, he was reported to have been severely beaten on his neck, chest and abdomen. He died two days later after he was transferred to hospital. In May 2015, an Egyptian criminal court acquitted two police officers charged with beating Hamdi to death while held in custody. In May 2018, after appeal and retrial, the two officers were acquitted once again by another criminal court.

3. Enforced disappearances

The Egyptian Constitution and Penal Code do not explicitly recognize or criminalize “enforced disappearances.” While various articles of the 2014 Constitution and the Penal Code prohibit and criminalize instances of unlawful detention, there is no direct reference to, or criminalization of, “enforced disappearances” in domestic legislation. In 2017, the Supreme Administrative Court issued a ruling obligating the Ministry of Interior to disclose the whereabouts of Asma Khalf, a medical doctor who was arrested by police officers on 18 April 2014 in Sohag and whose fate remains unknown, explicitly using the term “enforced disappearances” and referring to the

⁵⁹ UN Committee Against Torture, Report of the Committee Against Torture, U.N. Doc A/72/74 (2017) (UNCAT Annual Report 2017), para. 69, available at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f72%2f44&Lang=en

⁶⁰ Egypt: authorities must effectively investigate deaths of lawyers in custody, Press Release, International Commission of Jurists, 24 April 2015, available at: <https://www.icj.org/egypt-authorities-must-effectively-investigate-deaths-of-lawyers-in-custody/>

⁶¹ Ibid

International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).⁶²

In its 2018 Annual Report, the UN Working Group on Enforced or Involuntary Disappearances was concerned that, “notwithstanding repeated calls to address what appears to be a systemic problem relating to short-term enforced disappearances, the situation does not seem to have improved and calls for urgent action in this regard from the Government.”

B. Harassment and intimidation of lawyers for the legitimate discharge of their duties

On 10 October 2019, two armed men in civilian clothes assaulted Gamal Eid, an ICJ Commissioner and prominent Egyptian lawyer and human rights defender. They also stole his cellular phone and attempted to seize his laptop. As a result of the assault, Eid sustained injuries to his arm and leg, in addition to several broken ribs.

Prior to this assault, on 30 September 2019, Eid’s car was stolen and he repeatedly received anonymous phone calls and messages ordering him to “stop and behave.”⁶³

On 31 October 2019, a car he was using was vandalized. Eid had borrowed the car from one of his colleagues the previous day.⁶⁴ On 29 December 2019, Eid was once again physically assaulted by armed men believed to be security officers. He was threatened with pistols, had paint thrown at him, and was told yet again to “stop and behave.” Thus far, the Egyptian authorities have failed to conduct any effective investigation into the various attacks against Eid, or to take any effective measures to ensure his safety and physical integrity.

The ICJ and TIMEP consider that these attacks are related to Eid’s work as a lawyer and to his human rights activities, including as director of the Arab Network of Human Rights Information, and are part of a broader pattern of attacks against lawyers that the ICJ,⁶⁵ TIMEP⁶⁶ and other civil society organizations⁶⁷ have documented over the past years.

The ICJ and TIMEP have further documented how lawyers have been abused, investigated and detained for attending interrogations at police stations to defend clients. The Egyptian Initiative for Personal Rights has also reported on a number of cases of lawyers being subjected to physical or verbal assault when attending police stations to assist their clients, followed by the failure of the authorities to permit the filing of complaints about such abuses.⁶⁸ Verbally or physically abusing, detaining, investigating and prosecuting lawyers merely attempting to attend the interrogation of their clients, or simply seeking to access information to assist their clients in preparing their defence violates their clients’ right to legal counsel, in addition to violating their right to adequate time and facilities to prepare a defence.

⁶² Supreme Administrative Court: *Mohamed Khalf v the President, the President of the Cabinet, the Minister of Interior, the Minister of Defense and the President of the Prisons’ Service (78415/62)*, 2017

⁶³ See ICJ, Egypt: lawyer and human rights defender Gamal Eid must be protected from attack, available at: <https://www.icj.org/egypt-lawyer-and-human-rights-defender-gamal-eid-must-be-protected-from-attack/>

⁶⁴ See FIDH, Egypt: Threats against Mr. Gamal Eid, available at: <https://www.fidh.org/en/issues/human-rights-defenders/egypt-threats-against-mr-gamal-eid>

⁶⁵ See ICJ, Egypt: authorities must effectively investigate deaths of lawyers in custody, available at: <https://www.icj.org/egypt-authorities-must-effectively-investigate-deaths-of-lawyers-in-custody/>

⁶⁶ TIMEP and Law Society of England and Wales, Joint Submission on Egypt <https://timep.org/reports-briefings/special-reports/timep-and-law-society-of-england-and-wales-joint-upr-submission-on-egypt/>

⁶⁷ EIPR paper, violations against lawyers, October 2014, <http://eipr.org/node/2243>

⁶⁸ EIPR paper, violations against lawyers, October 2014, <http://eipr.org/node/2243>

In addition to the harassment endured by lawyers at police stations, judges have also referred lawyers for investigation during trial proceedings. In some cases, investigations seem to have been initiated in response to lawyers attempting to uphold the human rights of their clients.⁶⁹

Such attacks against lawyers, which have had a chilling effect on other lawyers carrying out their professional duties, have undermined the right to equality of arms, the rights of defence and the rights of lawyers to discharge their functions without harassment. The right to equality of arms includes, among others, ensuring that the accused has access to legal counsel.⁷⁰ The right to a fair trial and the right to liberty and security of person require that detained, suspected and accused persons enjoy the right to access to legal counsel of choice as a standalone right, and that access to legal counsel of choice be granted from the outset of detention, including during questioning.⁷¹ The HRC and the ACHPR have concluded that the right to the assistance of a lawyer, including during detention, questioning and preliminary investigation is required for the meaningful exercise of the right to justice and a fair trial.⁷²

Attacks on defence lawyers as fundamental pillars of an effective justice system have further undermined the rights of these lawyers to discharge their functions without improper interference and their right not to be associated with their clients' cause. Instead of acting to prevent and safeguard against such abuses, as required by international standards, the Egyptian authorities, including police officials, prosecutors and judges, frequently appear to be instigators and perpetrators.

Egypt's inadequate framework on the legal profession has, in part, facilitated such attacks. The protections afforded to lawyers by virtue of the 2014 Constitution and the Lawyer's Profession Law are limited in scope: they neither adequately protect lawyers from all forms of harassment and intimidation, nor guarantee their ability to effectively carry out their functions. For example, while the arrest and detention of lawyers is restricted to various grounds, the Lawyer's Profession Law still allows for lawyers to be referred for disciplinary or criminal proceedings if they make a statement during or as a result of carrying out their work that compromises the order of a hearing or if they commit any other act during a hearing that requires them to be held accountable for their actions.⁷³ These provisions are overly broad and may be – and have been –

⁶⁹ As previously documented by the ICJ in the case of *Ahmed Douma and 268 others*, in which the accused were charged with vandalism and other violence during protests, three defence lawyers, Basma Zahran, Mahmoud Bilal and Oussama Al-Mahdi, were referred by the Presiding Judge, Mohamed Nagi Shehata, for investigation. The referral was made on the basis that the lawyers were allegedly "disrupting and causing trouble" during trial proceedings, which stemmed from their insistence that their client, human rights activist Ahmed Douma, seated in a sound-proof glass cage, be heard by the Court. By referring lawyers who are merely attempting to protect the fair trial rights of their clients for investigation, judges are effectively sanctioning lawyers for executing their professional duties. Such action on the part of the judiciary is inconsistent with international standards.

See for example ICJ, *Egypt's Judiciary: A Tool of Repression - Lack of Effective Guarantees of Independence and Accountability* (2016), pp. 54

⁷⁰ Principle N(6)(a) of the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa. European Court of Human Rights: *Jasper v the United Kingdom* (27052/95), Grand Chamber (2000), para.51; *Foucher v France* (22209/93), (1997), para.34; *Prosecutor v Tadić* (IT-94-1-A), ICTY Appeals Chamber (1999), para.47; *Nahimana et al v The Prosecutor* (ICTR-99-52-A), ICTR Appeals Chamber (28 November 2007), para.181; Advisory Opinion OC-17/2002, Inter-American Court of Human Rights (2002), para.132

⁷¹ Article 17(2)(d) of the Convention on the Protection of All Persons from Enforced Disappearance; Article 16(4) of the Arab Charter on Human Rights. Principle 1 of the Basic Principles on the Role of Lawyers; Principle 17(1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Principle 3 and Guideline 4 of the Principles on Legal Aid; Guideline 20(c) of the Robben Island Guidelines; Principles A(2)(f) and M(2)(f) of the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa

⁷² Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32 (2007), para 10; Human Rights Committee Concluding Observations: Georgia, UN Doc. CCPR/C/79/Add.75 (1997), para.27, Netherlands, UN Doc. CCPR/C/NLD/CO/4 (2009), para.11; *Liesbeth Zegveld and Mussie Ephrem v Eritrea* (250/2002), African Commission, 17th Annual Report (2003), para.55

⁷³ Article 49 of the Lawyer's Profession Law, Law No. 17 of 1983

used to refer lawyers who are merely attempting to protect the fair trial rights of their clients for disciplinary or criminal prosecutions. Lawyers accused of such conduct are referred to the Prosecutor General who has the authority to decide whether they should be referred to the Lawyers' Syndicate for disciplinary action or for criminal prosecution.⁷⁴

Pursuant to international standards, States have a duty to ensure that lawyers are able to perform their functions "without intimidation, hindrance, harassment or improper interference" and "shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."⁷⁵ Where the security of lawyers is threatened as a result of discharging their functions, it must be adequately safeguarded by the authorities.⁷⁶ Furthermore, lawyers must not be associated with their clients or their clients' cause as a result of discharging their functions.⁷⁷ The UN Basic Principles on the Role of Lawyers specifies, "[l]awyers must also enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority."⁷⁸ The Principles on Fair Trial in Africa also make clear that lawyers "shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."⁷⁹

IV. The abusive use of "terrorism-related" charges against detained lawyers

The charges against detained lawyers have been brought pursuant to numerous laws, in particular the Penal Code, the Anti-Terrorism Law No. 94 of 2015 (Anti-Terrorism Law) and the Law regulating the list of terrorist entities and terrorists No. 8 of 2015 (Terrorist Entities Law).

The ICJ and TIMEP have previously expressed concern that the Anti-Terrorism Law⁸⁰ uses vague and overly broad language in its definitions of "terrorist group," "terrorist crime" and "terrorist act,"⁸¹ and about the fact that the inclusion of such vague, imprecise and ill-defined "crimes" in the law runs contrary to the principle of legality, enshrined in article 15 of the ICCPR, to which Egypt is a State party.⁸² The Terrorist Entities Law has given rise to similar concern.⁸³

Since 2013, Egypt has designated numerous political groups as "terrorist organizations," including the Muslim Brotherhood and the April 6 Movement, a group of activists who played a significant role in the 2011 uprising against former President Hosni Mubarak. According to information available to the ICJ, however, the SSSP has consistently failed to name the terrorist groups or organizations that detainees have purportedly joined, or to provide any evidence that they funded or contributed to funding or to achieving the goals of such groups. The accusations

⁷⁴ Article 50 of Law No. 17 of 1983

⁷⁵ Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32 (2007), para 32; UN Basic Principles on the Role of Lawyers, principle 16(a) and (c); Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003, Principle I(b)1

⁷⁶ UN Basic Principles on the Role of Lawyers, Principle 17, Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa, Principle I(f)

⁷⁷ *Id.*, Principle I(g)

⁷⁸ UN Basic Principles on the Role of Lawyers, principle 20; Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa, Principle I(e)

⁷⁹ Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003, Principle I(b)(iii). See also, Recommendation No. R(2000)21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyer, principle I.4

⁸⁰ See ICJ, Egypt: ICJ condemns the promulgation of a new, repressive Counter-Terrorism Law, available at: <https://www.icj.org/egypt-icj-condemns-the-promulgation-of-a-new-repressive-counter-terrorism-law/>

⁸¹ TIMEP, TIMEP Brief: Counter-Terrorism Law, available at: <https://timep.org/reports-briefings/timep-brief-counter-terrorism-law/>

⁸² See also, the African Charter on Human and Peoples' Rights (ACHPR), article 7.2; the Arab Charter on Human Rights (ACHR), article 15

⁸³ TIMEP, TIMEP Brief: Terrorist Entities Law, available at: <https://timep.org/reports-briefings/timep-brief-terrorist-entities-law/>

and ensuing prosecutions were typically based on NSA reports to which neither the accused, nor their lawyers had access.

On 3 March 2020, amendments to the Terrorist Entities Law⁸⁴ and the Anti-Terrorism Law (Laws No. 14 and 15 of 2020) were signed into law by President Al-Sisi.⁸⁵ These new, sweeping amendments have expanded, among others, the definition of “terrorist entity”⁸⁶ and the offence of “funding terrorism.”⁸⁷

Under Article 7 of Law No. 14 of 2020, the effects of the decisions of listing designated terrorists include, among others, the imposition of a travel ban, confiscating or cancelling their passport and suspending their membership in professional associations.

On 16 April 2020, in what appears to be the first application of the amended Terrorist Entities Law, the Cairo Criminal Court decided, based on a SSSP request, to place Ziad Al-Elaimy and 12 other individuals on the “terrorist list” for five years. Al-Elaimy’s lawyers have appealed this. If their appeal is unsuccessful, Al-Elaimy’s ability to practice law or become a member of a political party is subject to suspension for five years.

On 9 April 2020, the UN Special Rapporteur on Human Rights and Counter Terrorism, Fionnuala D. Ní Aoláin, expressed deep concern about the scope, necessity, proportionality and discriminatory effects of these recent amendments, stressing how “[t]he intersection of these multiple legislative enactments enable increasing practices of arbitrary detention with the heightened risk of torture, the absence of judicial oversight and procedural safeguards,

⁸⁴ Under article 1 of the amended Terrorist Entities Law, the definition of a terrorist entity was expanded to include “associations, organisations, groups, criminal bands, cells, businesses, unions or any other assemblies irrespective of their nature or legal or practical form, which exercise or aim at harming or frightening individuals or threatening their lives, freedoms, rights or security , or harming the environment, natural resources, monuments, communication and transportation means, or public or private buildings and properties, or preventing or obstructing the public authorities, the judicial instances, or government and local services, from exercising their functions, in full or in part, or resisting them.” Article 7 of the same law further specifies the effects of the decisions of listing terrorist entities and terrorists. For designated terrorists, these include, among others, the imposition of a travel ban, confiscating or cancelling their passport and suspending their membership in professional associations.

⁸⁵ The new, sweeping amendments have expanded, among others, the definition of “terrorist entity” and the offence of “funding terrorism.” Under article 3 of the amended Anti-Terrorism Law, funding terrorism “shall refer to the collection, receipt, possession, supply, transfer, or provision of funds, weapons, ammunition, explosives, equipment, data, information, materials or other, for any terrorist activity, individual or collective, organised or non-organised, inside or outside Egypt, directly or indirectly, and by any means, including digital or electronic format, in order to be used, in whole or in part, in the perpetration of any terrorist crime, or the knowledge of such use, irrespective of whether the terrorist crime occurred, or by providing a place for training or a safe refuge for one terrorist or more, or providing them with weapons or documents or other, or offering any other forms of support or funding or travel, with knowledge and even if does not have a direct link to the terrorist crime.” Official Gazette, N° 9 bis. 3 March 2020

⁸⁶ Official Gazette, N° 9 bis. 3 March 2020. Under article 1 of Law 14 of 2020, the definition of a terrorist entity was expanded to include “associations, organisations, groups, criminal bands, cells, businesses, unions or any other assemblies irrespective of their nature or legal or practical form, which exercise or aim at harming or frightening individuals or threatening their lives, freedoms, rights or security , or harming the environment, natural resources, monuments, communication and transportation means, or public or private buildings and properties, or preventing or obstructing the public authorities, the judicial instances, or government and local services, from exercising their functions, in full or in part, or resisting them.”

⁸⁷ Official Gazette, N° 9 bis. 3 March 2020. Under article 3 of Law 15 of 2020, funding terrorism “shall refer to the collection, receipt, possession, supply, transfer, or provision of funds, weapons, ammunition, explosives, equipment, data, information, materials or other, for any terrorist activity, individual or collective, organised or non-organised, inside or outside Egypt, directly or indirectly, and by any means, including digital or electronic format, in order to be used, in whole or in part, in the perpetration of any terrorist crime, or the knowledge of such use, irrespective of whether the terrorist crime occurred, or by providing a place for training or a safe refuge for one terrorist or more, or providing them with weapons or documents or other, or offering any other forms of support or funding or travel, with knowledge and even if does not have a direct link to the terrorist crime.”

restrictions on freedom of expression, the right to freedom of association and the right to freedom of peaceful assembly.”⁸⁸

Even before the adoption of the recent amendments to the Anti-Terrorism Law and Terrorist Entities Law, prosecutors and judges applied an expansive definition of terrorism. In one of the hearings before the SSSP, lawyer Mohamed Al-Baqer was told that legally representing individuals belonging to a “terrorist group” is akin to funding and providing material support to such a group.

The ICJ and TIMEP are particularly concerned that overbroad and imprecise definitions of terrorism and terrorism-related offences, acts or entities in the Egyptian counter-terrorism framework have had the effect of criminalizing the lawful and peaceful exercise of fundamental rights and freedoms, including the right to freedom of expression. Such provisions must be more precisely circumscribed so as to ensure that terrorism offence provisions cover activities that are inherent to the characteristics of terrorism, in full compliance with the principle of legality, and to prevent arbitrary use or interpretations of the provisions that might undermine the enjoyment and exercise of fundamental rights and freedoms. The documented cases in this paper evidence how Egyptian authorities have distorted counter-terrorism measures in violation of Egypt’s obligations under international law to silence independent voices and to prevent lawyers from exercising their professional duties.

V. Recommendations

In light of the concerns detailed above, the ICJ and TIMEP call on the Egyptian authorities to comply with their legal obligations under international law and immediately end their crackdown on lawyers, and, to this end, ensure:

- i) The immediate and unconditional release of all lawyers who are detained pending trial or imprisoned upon being convicted solely on the basis of the peaceful exercise of their human rights and/or the legitimate discharge of their professional duties;**
- ii) The end of all attacks against lawyers, including politicized judicial proceedings and abusive prosecutions, including those involving “terrorism-related charges”; as well as all instances of arbitrary detention, physical assault, torture and other ill-treatment, and enforced disappearance;**
- iii) That lawyers are able to carry out their legitimate professional duties without hindrance, harassment or improper interference, and that they are not threatened with prosecution, reprisals or other sanctions for any action taken in accordance with such duties;**
- iv) That the Bar Association is independent in law and practice, and is able to exercise its functions without external interference;**
- v) That lawyers are not associated with their clients or their clients’ cause as a result of legitimately discharging their professional duties, and that legal representation is under no circumstances considered to be akin to providing aid or material support to “terrorist groups”;**
- vi) The end of the practice of holding detainees incommunicado and of all other forms of arbitrary detention, and, to this end, ensure that:**
 - a. All people who are deprived of their liberty have the right to notify a family member or other third person and a lawyer of the fact and place of their detention and any transfers;**
 - b. All people deprived of their liberty are provided with prompt access to their lawyer and their family;**

⁸⁸ [Egypt’s updated terrorism law opens the door to more rights abuses](#): The UN Special Rapporteur on human rights and counter terrorism. 9 April 2020

- c. **The protection of the rights of all individuals arrested, detained or charged with a criminal offence to consult and communicate confidentially with their lawyer without delay, interception or censorship and with full confidentiality, and to have the assistance of a lawyer upon arrest or detention, including during any questioning and at all other stages of any criminal proceedings;**
 - d. **All people deprived of their liberty are brought promptly before a judge to decide on the lawfulness of their detention, and ensure that such decisions are made by judges or other officers authorized by law to exercise judicial power who meet the requirements of judicial independence, impartiality, and objectivity; and**
 - e. **Independent and impartial monitors have access to all places where people are deprived of their liberty, including NSA and other military and security detention facilities, and have the right and authority to speak with all persons deprived of their liberty confidentially.**
- vii) **The reform of the pretrial detention framework, including with a view to ensuring that it is an exceptional measure based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, including specific and relevant factors defined in the law, such as to prevent flight, interference with evidence or the commission of serious offences, and that the accused has the right to regular judicial review of their detention. To this end, the authorities must amend the CCP, including with a view to providing exhaustive, clear and precise grounds and criteria for pretrial detention, in accordance with international standards on appropriateness, predictability and due process of law;**
- viii) **That an independent, impartial and thorough investigation be carried out into allegations that detained lawyers were subjected to torture and other ill-treatment and enforced disappearance;**
- ix) **That those responsible for torture or other ill-treatment and enforced disappearances be brought to justice, including senior officials authorizing, acquiescing or consenting to such acts, and that commensurate sanctions be imposed on those found guilty;**
- x) **That a crime of enforced disappearance is enacted in the Egyptian Penal Code, namely one that includes "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law," consistent with article 2 of the ICPPED, which Egypt should ratify;**
- xi) **That the crime of torture, consistent with article 1 of the Convention Against Torture be enacted, in a manner that fully incorporates all the purposes of torture set out in that provision. In particular, the Penal Code should also be amended to ensure the criminalization of complicity and participation of public officials in torture, and appropriate sentences commensurate with the gravity of torture and torture-related crimes;**
- xii) **That those who have been subjected to arbitrary detention and/or torture or other ill-treatment and/or enforced disappearance have access to effective remedies and to reparation, including restitution, rehabilitation, compensation and satisfaction;**
- xiii) **That terrorism-related crimes be defined using precise and clear language that enables persons to be sufficiently certain from the wording of the provision the commission of which acts and/or omissions would entail**

- criminal liability, in compliance with the principle of legality under international law;**
- xiv) That such crimes be limited to acts that involve hostage-taking, death or serious physical injury to human beings, and that are carried out with the intention of spreading fear in the population or affecting the behaviour of governments; and**
 - xv) That the legitimate and peaceful exercise of the rights to freedom of expression, association and assembly are not criminalized through anti-terrorism laws or other laws, and that such laws are not used as a tool to crush dissent, crackdown on freedoms or effectively prevent lawyers from exercising their legitimate professional duties.**

Appendix A: List of lawyers detained in Egypt since January 2018

This list has been compiled as part of TIMEP's Lawyers-at-Risk initiative. While the list does not purport to be exhaustive, it is part of an on-going effort to comprehensively track the arrest of lawyers believed to have been detained in Egypt for carrying out their professional duties and/or exercising their fundamental freedoms.

This list was compiled relying on open source materials, including but not limited to media coverage, social media posts and reports by international and domestic civil society organizations, including the ICJ.

The list details the cases of 35 lawyers who have been arrested in Egypt since January 2018.

Full name	Date of arrest	Details of the detention and case
Ezzat Ghoniem	1 March 2018	Case No. 441/2018: Ezzat Ghoniem was arrested and forcibly disappeared for three days and then brought before, and formally accused by, the SSSP of joining a banned group, spreading false news, and giving false information to international organizations. He was granted conditional release, subject to police control measures, on 4 September 2018. However, instead of being released he was forcibly disappeared until he reappeared before the SSSP on 9 February 2019. He was remanded in custody while awaiting trial for allegedly violating police control measures. He is being held in pretrial detention in Esteqbal Tora prison.
Azouz Mahgoub	1 March 2018	Case No. 441/2018: Azouz Mahgoub was one of Um Zobaida's lawyers and was allegedly arrested in relation to her case. Um Zobaida had made headlines after giving an interview to the BBC in 2018, where she said that her daughter had been tortured and disappeared by security services. On 14 September, a court ordered Azouz Mahgoub's release on bail. Instead of being released, he was forcibly disappeared for five months until he appeared again on 2 March 2019 before the SSSP; and was placed and continues to be held in pretrial detention for allegedly violating the police control measures that he had been subject to. He is facing charges of joining a banned group, spreading false news, and giving false information to international organizations.
Ramadan Shaaban	15 July 2018	Ramadan Shaaban was arrested and kept in pretrial detention until his release in January 2020.
Rashad Ali Hussain	16 July 2018	Rashad Ali Hussain was arrested and kept in pretrial detention until his release in June 2019.
Mostafa Kamal	30 August 2018	Case No. 1330/2018: Mostafa Kamal was arrested from his office in Al-Fayoum and forcibly disappeared for 45 days until he appeared before the SSSP on 14 October 2018. He faces charges of joining a terrorist group and continues to be held in pretrial detention.
Mohamed Ramadan	12 October 2018	Case No. 16576/2019: Mohamed Ramadan faces charges of calling for demonstrations against the government, working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He continues to be held in pretrial detention and is currently in solitary confinement at Borg Al-Arab prison in Alexandria. While in detention, he has been denied the right to receive visitors. When his mother passed away, he was not allowed to attend her funeral.
Sayed Al-Banna	14 October 2018	Case No. 621/2018: Sayed Al-Banna was arrested and forcibly disappeared for three days before he was brought before the SSSP on 17 October 2018. He faces charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. In pretrial detention, he was held at the Tora Men's Prison and suffered from a lack of access to adequate medical care. On 24 August 2020, Al-Banna was ordered released from pretrial detention subject to police control measures. As of the writing of this submission however, he had not yet been physically released.

Waleed Seliem	23 October 2018	Case No. 1175/2018: Waleed Seliem was arrested when police raided his home in Alexandria. He was forcibly disappeared before reappearing on 3 December 2018 before the SSSP. He was placed and continues to be held in pretrial detention after being formally accused of belonging to a terrorist organization.
Mohamed Abu Horaira	31 October 2018	Case No. 1552/2018: Mohamed Abu Horaira was arrested and forcibly disappeared for 21 days before being brought before the SSSP on 21 November 2018. He faces charges of joining a terrorist group and incitement to harm the national economy. He continues to be held in pretrial detention in Tora Men's Prison.
Hoda Abdelmoneim	1 November 2018	Case No 1552/2018: Hoda Abdelmoneim was arrested from her house and forcibly disappeared until 21 November 2018. She faces charges of joining and funding a terrorist group. She continues to be held in pretrial detention and is currently in solitary confinement at Al-Qanater Women's Prison. She is being denied medical care despite the fact that she suffers from a blood clot in her left leg and has a knee condition. She was transferred to court in an ambulance because she was unable to walk.
Tarek Al-Selkawy	1 November 2018	Case No. 1552/2018: Tarek Al-Selkawy was arrested and forcibly disappeared for about 30 days until he appeared before the SSSP to face charges of joining and funding a terrorist group. He continues to be held in pretrial detention.
Ibrahim Al-Akazy	December 2018	Case No. 1739/2018. Ibrahim Al-Akazy was arrested and formally accused by the SSSP of working with a terrorist group to achieve its purposes and misusing social media to spread false news. He continues to be held in pretrial detention.
Hesham Seliem	31 December 2018	Case No. 1739/2018: Hesham Seliem was arrested and forcibly disappeared for 14 days until he appeared before the SSSP on 14 January 2019 to face charges of working with a terrorist group to help them achieve their activities and spreading false news. He continues to be held in pretrial detention and is currently being held at Tora Prison.
Ahmed Moustafa	6 January 2019	Ahmed Moustafa was arrested after filing complaints against police officers for allegedly torturing three of his clients. He continues to be held in pretrial detention.
Mohab Al-Ebrashy	28 January 2019	Case No. 1739/2018: Mohab Al-Ebrashy was arrested and placed in pretrial detention. On 4 February 2020, his release was ordered; however, instead of being released, on 11 February 2020 he was questioned in a new case, Case No. 898/2019, and ordered to remain in pretrial detention.
Waleed Al-Sayed	30 January 2019	Case No. 1956/2019: Waleed Al-Sayed faces charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He continues to be held in pretrial detention.
Hamd Nasser Fadl Allah	10 April 2019	Case No. 631/2019: Following his arrest, Hamd Nasser Fadl Allah continues to be held in pretrial detention.
Haitham Mohammadein	13 May 2019	Case No. 741/2019: Haitham Mohammadein was arrested and forcibly disappeared after he got a call from Al-Saff Police Station in Cairo, where he used to report to police, following police control measures imposed on him in the context of Case No. 718/2018. He faces charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He continues to be held in pretrial detention in Al-Qanater Men's Prison.
Amr Nohan	10 June 2019	Case No. 741/2019: Amr Nohan faces charges of joining a terrorist group and continues to be held in pretrial detention.
Zyad Al-Elaimy	25 June 2019	Case No. 930/2019: Zyad Al-Elaimy faces charges of working with a terrorist group to achieve its purposes while knowing its objectives and spreading false news. He continues to be held in Al-Mazraaa Prison. He suffers from asthma, diabetes and high blood pressure.

		<p>Case No. 684/2020: Zyad Al-Elaimy was sentenced to one year in prison and to a fine of 20,000 Egyptian Pounds (approximately USD \$1,255) by the Muqattam Misdemeanor Court on charges stemming from an interview he gave to BBC in 2017. He is currently serving this sentence.</p> <p>Case No. 571/2020: On 18 April 2020, Al-Elaimy was designated by the Cairo Criminal Court as a terrorist on Egypt's terrorist list for a period of five years.</p>
Essam Hambouta	29 June 2019	He was arrested at a checkpoint in the Al-Beheira Governorate. No further information is available about him or his case.
Mohammed Hamdi Younis	11 September 2019	Case No. 488/2019: Mohammed Hamdi Younis was arrested after announcing his intent to file a request to the public prosecution demanding an investigation into Mohammed Ali's allegations regarding government and army corruption. He was facing charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He was released on 1 February 2020.
Ahmed Sarhan	17 September 2019	Ahmed Sarhan posted a video criticizing President Al-Sisi and supporting Mohammed Ali – a former Egyptian army contractor who exposed corruption within the Egyptian regime – saying that he would file a request with the public prosecutor to demand an investigation about Ali's allegations. He was arrested while filing his request at the Public Prosecution Office. He continues to be held in pretrial detention.
Islam Khairy Nour El Din	21 September 2019	Case No. 1338/2019: He was accused of misusing social media and working with a terrorist group to achieve its purposes while knowing its objectives. He continues to be held in pretrial detention.
Mahinour Al-Masry	22 September 2019	<p>Case No. 448/2019: She was arrested after attending the interrogation of Amr Nohan (see above) at the SSSP in her capacity as his lawyer. She continues to be held in pretrial detention at the Al-Qanater Women's Prison. She faces charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media.</p> <p>Case No. 855/2020: On 30 August 2020, Al-Masry was brought before the SSSP to be questioned in a second, separate case; she was formally accused of joining a terrorist group.</p>
Sahar Ali	24 September 2019	Case No. 1358/2019: Sahar Ali was arrested at her house and forcibly disappeared for 16 days until she appeared before the SSSP on 8 October 2019. She faces charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. She went on hunger strike on 14 December 2019 for a week to protest her continued detention and prison conditions. Sahar's release was ordered on 28 July 2020; she was physically released from pretrial detention on 4 August 2020.
Shamel Seliem Elwan	25 September 2019	Case No. 1338/2019: Shamel Seliem Elwan was arrested in Banha, Egypt, after he filed a request to the Ministry of Interior for authorization to demonstrate against the President. He continues to be held in pretrial detention in Al-Quatta Men's Prison.
Mohamed Hamdy Hamdoun	26 September 2019	Case No. 1475/2019: Mohamed Hamdy Hamdoun was arrested along with his wife Asmaa Deabes, and his brother Ahmed Hamdon. He was forcibly disappeared for four days before appearing at the South Cairo Prosecution to face charges of participating in a terrorist group to achieve its goals, receiving funding for a terrorist purpose, participating in a criminal agreement intended to commit a terrorist crime and gathering and using special accounts on the internet with the aim of committing the crime of disturbing public order. He continues to be held in pretrial detention today. His father, Helmy Hamdoun, a former police officer, was arrested after he spoke publicly about his son's arrest.

Mohamed Al-Baqer	29 September 2019	<p>Case No. 1356 /2019: Mohamed Al-Baqer was arrested while attending the interrogation of his client, Alaa Abd El Fattah, at the SSSP. He faces charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He continues to be held in pretrial detention at the Scorpion Prison.</p> <p>Case No. 855/2020: On 31 August 2020, Al-Baqer was transferred to the SSSP and questioned in a second, separate case. He was formally accused of joining a terrorist organization and taking part in a criminal agreement to commit a terrorist crime.</p>
Amr Imam	16 October 2019	<p>Case No. 488/2018: Amr Imam was arrested from his house just one day after he announced that he would begin a hunger strike in solidarity with Esraa Abd El Fattah, a human rights activist who was arrested and continues to be held in detention by the authorities in relation to her human rights work. Amr Imam continues to be held in pretrial detention in solitary confinement at Tora Prison.</p> <p>Case No. 855/2020: On 26 August 2020, he was transferred to the SSSP and questioned in a second, separate case. He was formally accused of joining, financing, and supplying a terrorist group with the aim of committing a terrorist crime.</p>
Waleed Al-Gendy	29 January 2020	Case No. 1956/2019: Waleed Al-Gendy was arrested at his home in Alexandria and continues to be held in pretrial detention.
Ahmed Al-Qolaly	2 February 2020	Case No. 1956/2019: Ahmed Al-Qolaly was arrested in front of the Alexandria Court. He faces charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He continues to be held in pretrial detention.
Mohsen Al-Bahnasy	27 March 2020	Case No. 558/2020: Mohsen Al-Bahnasy was arrested near his house and assaulted during the arrest by security forces. After he was detained, police forces raided his home and assaulted some of his family members. He is facing charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He continues to be held in pretrial detention. On 24 August 2020, he was ordered released from pretrial detention subject to police control measures, and on 31 August, he was physically released.
Mohamed Salah Agag	20 March 2020	Case No. 535/2020: Mohamed Salah Agag was arrested after posting a video on Facebook demanding the immediate release of all political detainees due to the spread of COVID-19. He is facing charges of working with a terrorist group to achieve its purposes while knowing its objectives, spreading false news and misusing social media. He continues to be held in pretrial detention.
Islam Ahmed Salama	25 May 2020	Case No. 1375/2018: Islam Ahmed Salama was arrested from his home and his personal mobile phone was confiscated. Authorities refused to show a search or arrest warrant or to provide the reasons for his arrest. His location remained unknown until he appeared before the SSSP on 6 June 2020. He was placed and remains in pretrial detention on terrorism-related charges.