

URGENT ACTION

FOUR ACTIVISTS RELEASED, ONE REMAINS IN PRISON

Four of five activists whose two-year jail sentence was confirmed by a Cairo appeal court on 27 January were released on 18 November through a presidential pardon. Gamila Seryel-Dain remains in a women's prison serving out the remainder of the sentence.

Four of five activists have been released on 18 November through a presidential pardon. They are: **Mostafa Ibrahim Mohamed Ahmed, Karim Khaled Fathy, Mohamed Abdel-Hamid, and Ahmed Mohamed Said. Gamila Seryel-Dain**, the fifth activist charged and sentenced in the same case, remains in a women's prison. A defence lawyer told Amnesty International on 21 November that it is not clear why she was not put on the President's pardon list. She was acquitted in late 2015 from a separate case in which she was a defendant, so she is only serving out the remainder of the two-year sentence, handed down on 13 December 2015 and upheld by a Cairo appeal court. The lawyer said they will continue working to get her released. The two charges against her are "a gathering of more than 5 people" and "demonstrating without a permit".

The activists were convicted of violating Egypt's repressive 2013 Protest Law, which arbitrarily restricts the rights to freedom of expression and peaceful assembly guaranteed by international human rights law and Egypt's Constitution. Defence lawyers said there is no physical evidence proving the charges. The only evidence is an investigation report by a single National Security officer, according to which the five had taken part in a protest at the intersection of two Cairo streets. A report by the Traffic Ministry confirms there were no complaints of a protest in that particular street on that day, the lawyers said.

Surgeon and poet Dr. Ahmed Mohamed Said sent this thank you message: "I am free again thanks to your efforts. I am very thankful to you freedom defenders all over the world. I left behind me in prison thousands who still need our solidarity and support. I still believe that we are able to make a difference. Freedom is a right and not a gift."

Please write immediately in English, Arabic or your own language:

- Calling on the authorities to release Gamila Seryel-Dain immediately, because her conviction and sentence were for offences that criminalise the peaceful exercise of human rights and are based on trumped-up charges;
- Order a prompt, independent and impartial investigation into allegations of torture and other ill-treatment in this case, and ensure those suspected of responsibility are brought to justice in a fair trial without resort to the death penalty.

PLEASE SEND APPEALS BEFORE 3 JANUARY 2017 TO:

President

Abdel Fattah al-Sisi
Office of the President
Al Ittihadia Palace
Cairo, Arab Republic of Egypt
Fax: +202 2391 1441
Email: p.spokesman@op.gov.eg
Twitter: @AlsisiOfficial

Salutation: Your Excellency

National Council for Human Rights

President
Mohamed Fayek
69 Giza St, next to the Saudi Embassy
Cairo, Egypt
Fax: +202 3762 4852/4229
Email: nchr@nchr.org.eg
Twitter: @nchregypt

Salutation: Dear Mr Fayek

And copies to:

Deputy Assistant Minister of Foreign Affairs for Human Rights
Mahy Hassan Abdel Latif
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt
Email: Contact.Us@mfa.gov.eg
Twitter: @MfaEgypt

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 294/15. Further information: <https://www.amnesty.org/en/documents/MDE12/3356/2016/en/>

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ADDITIONAL INFORMATION

Ahmed Mohamed Said was in Cairo on a visit from Germany where he was working as a doctor. He and 30 other activists took part in a peaceful protest on 19 November 2015, on Cairo 6th October Bridge. They were commemorating those who had died four years earlier, in the 'Mohamed Mahmoud' street clashes between protesters and police. Over a six-day period, starting 19 November 2011, 51 people had been killed. Ahmed Mohamed Said had volunteered at the time as a doctor, treating injured protesters. He is also known for his poetry, which he has recited on Egyptian television.

The protest vigil on the bridge started at 2pm and lasted about five to seven minutes. Afterwards, Ahmed Mohamed Said went to a café in the Abdeen area of Cairo with his friend Mostafa Ibrahim Mohamed Ahmed, who is a political activists with the socialist Bread and Freedom Party. As they were leaving the café, police officers approached them and asked them for their identification cards. They were then taken to the nearby Abdeen Police Station for questioning. Ahmed Said's mobile phone went dead at about 4pm, his family said. It was not until 4am the next day that the families and lawyers found out where he and the other activists were. Karim Khaled Fathy and Mohamed Abdel-Hamid were also arrested arbitrarily, as they were walking in the street. Gamila Seryel-Dain was arrested two days later, on 22 November, while taking food to the detainees.

Nine other activists were arrested on 19 November 2015 near 6th October Bridge. They were taken to the Qasr el-Nil police station and were tried separately. On 20 November, when Ahmed Mohamed Said told the Public Prosecutor he had been tortured, his family say the prosecutor refused to record it. Two days later, a judge ordered the release of the defendants in both the Abdeen and Qasr al-Nil cases, but the Public Prosecution appealed this decision and they were returned to pre-trial detention. Gamila Seryel-Dain had been arrested by the Qasr el-Nil prosecution. Four days later, the judge released her on bail of 3,000 Egyptian pounds (US\$ 380), which she paid. After the release, the Abdeen Prosecution ordered her detention based on charges that included "inciting protests". She was made a defendant in both cases, but was acquitted in late 2015 in the Qasr al-Nil case.

The five activists were convicted in the Abdeen case on 14 December 2015. The four male activists were transferred to Cairo's 15 May Prison, where they were held in a disciplinary room. Their families say they saw no sunlight during the two weeks they were detained there, and went on a hunger strike in protest.

The male detainees were transferred once again to Scorpion Prison, a maximum security facility in Cairo's Tora Prison complex. The families say this happened after they submitted a formal complaint about the case to the South Cairo district attorney on 29 December. The head of 15 May Prison had told the four male activists that they would be taken back to Abdeen Police Station, where conditions are better, but in order for the transfer to happen Ahmed Mohamed Said had to sign a paper saying that he had not been mistreated and was no longer on hunger strike. He did so, but the activists were then taken to a maximum security facility, where they were being kept in overcrowded, separate cells with jihadists and forced to sleep on thin mattresses on cold floors, during the coldest time of year in Egypt. Gamila Seryel-Dain was taken to Qanater Women's Prison. She is a mother of three children.

The rights to freedom of expression and peaceful assembly are guaranteed under the International Covenant on Civil and Political Rights, to which Egypt is a state party, as well as Articles 65 and 73 of Egypt's Constitution.

Name: Gamila Seryel-Dain (f), Ahmed Mohamed Said (m), Mostafa Ibrahim Mohamed Ahmed (m), Karim Khaled Fathy (m), Mohamed Abdel-Hamid (m)

Gender m/f: both

Further information on UA: 294/15 Index: MDE 12/5185/2016 Issue Date: 22 November 2016