

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

# EGYPT: JOINT STATEMENT: QUASH VERDICTS AND STOP UNFAIR TRIALS BY EMERGENCY COURTS

We, the undersigned organizations call on Egyptian President Abdelfattah Al-Sisi to immediately quash the verdicts against seven arbitrarily detained human rights defenders, activists and politicians, convicted of bogus charges and sentenced to long prison terms in grossly unfair trials by emergency courts solely for peacefully exercising their human rights. The organizations also urge for an immediate end to all trials before emergency courts, where proceedings are inherently unfair and verdicts are not subject to appeal.

On 22 June 2021, student and researcher **Ahmed Samir Santawy** was sentenced by an Emergency State Security Court (ESSC) to four years in prison over social media posts he denied authoring. On 17 November 2021, journalists and politicians **Hisham Fouad** and **Houssam Moanis**; and politician, lawyer and former parliamentarian **Zyad El-Elaimy** were also sentenced by the ESSC to prison terms between four and five years simply for criticizing Egypt's human rights record, economic policy and living standards. Most recently, the ESSC sentenced prominent activist **Alaa Abdel Fattah** to five years imprisonment, and Director of the Adalah NGO and human rights lawyer, **Mohamed El-Baqer** and blogger and activist **Mohamed Ibrahim Radwan "Oxygen"** to four years in prison over their social media posts criticizing Egypt's human rights record.

In recent years, the Egyptian authorities have introduced legislation to undermine the independence of the judiciary and fair trial guarantees, and used overly broad charges to severely suppress the rights to freedom of expression, association and assembly, and to silence independent and dissenting voices in the country. In the months preceding the lifting of the state of emergency in October 2021, the Egyptian authorities referred at least twenty human rights defenders, activists and opposition politicians to trial before emergency courts, some of which are still ongoing.

Proceedings before ESSCs, which are activated with the enactment of a state of emergency, are inherently unfair. The law governing the state of emergency allows the President to determine the composition, appoint judges and determine the crimes that fall under their jurisdiction. Article 19 of the law stipulates that ongoing trials are to continue even after the state of emergency is no longer in force.

Fair trial standards are routinely flouted in trials before ESSCs, including the right to adequate defense and rights to a public hearing. Defense lawyers have been prevented from communicating with their clients in private and prevented from photocopying the casefiles, indictments and verdicts.

Moreover, defendants tried before the ESSC are denied the various levels of litigation afforded in other criminal trials. Verdicts handed down by the ESSC are not subject to appeal, only to ratification by the President. Under various provisions of the law governing the state of emergency, the President has the authority, whether before or after ratification of verdicts, regardless of whether the state of emergency is in force, to commute the sentences or quash verdicts.

All of the above-mentioned activists and politicians have been held in pre-trial detention for lengthy periods of time in connection to separate cases that have not been referred to trial. Most of them have been held for over two years, the maximum period of pre-trial detention permissible under Egypt's Criminal Procedure Code. They face investigations by the Supreme State Security Prosecution (SSSP) into similar, if not identical, bogus charges, based on secret investigations by the National Security Agency, a specialized police force, which they and their lawyers are not allowed to access. Further, the time spent in pre-trial detention in these separate cases will not count toward their sentences, further prolonging their unjust imprisonment.

All of the aforementioned individuals have been subjected to ill-treatment and are held in conditions of detention that violate the absolute prohibition of torture, and other ill-treatment in violation of Egypt's constitution and domestic legislation, as well as its obligations under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the country is a state party.

Thus, we, the undersigned organizations, call on President Abdelfattah Al-Sisi to immediately quash the unjust verdicts issued against Ahmed Samir Santawy, Hisham Fouad, Houssam Moanis, Ziad El-Elaimy, Alaa Abdel Fattah, Mohamed El-Baqer and Mohamed Ibrahim Radwan "Oxygen." We call on the Egyptian authorities to immediately and unconditionally release them, drop all charges against them and provide them with comprehensive and adequate reparations for the arbitrary deprivation of their liberty and other harm suffered. Further, we call on the Egyptian authorities to bring an immediate end to the ongoing trials against human rights defenders and political activists whose cases were referred to emergency courts prior to the lifting of the state of emergency.

### Signed:

ACAT BELGIUM

ACAT Germany (Action by Christians for the Abolition of Torture)

ACAT Spain-Catalonia (Action by Christians for the Abolition of Torture)

Al-Karama for Rights and Freedoms

Amnesty International

Asociación Pro Derechos Humanos de España (APDHE)

Association Fanni Raghman Anni

Association for Freedom of Thought and Expression (AFTE)

Association for the promotion of the right to difference

Association Marocaine des Droits Humains

Association UMDPL (Ukraine)

Bahrain Center Against Torture (B.CAT)

Center for Reproductive Rights

Center for Social Action Rehabilitation and Rehabilitation for Victims of Torture, War and Violence

Citizen Dancers, South

CIVICUS

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Committee for Justice (CFJ)

DAMJ, Tunisian Association for Justice and Equality

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

Egyptian Commission for Rights and Freedoms

Egyptian Front for Human Rights (EFHR)

EuroMed Rights

Forum Méditerranéen pour la mémoire

The Freedom Initiative

Greek Helsinki Monitor

Human Rights Association (IHD)

humanrights.ch

HuMENA for Human Rights and Civic Engagement

International Commission of Jurists

International Federation for Human Rights (FIDH)

International Service for Human Rights (ISHR)

Justice and Rehabilitation Organization

Karapatan Alliance Philippines  
Kenya Human Rights Commission  
The Libyan Anti-torture Network  
Tunisian Association Awladna  
Tunisian Association of Democratic Women  
Tunisian Organization Against Torture  
MENA Rights Group  
Mwatana for Human Rights  
My Foundation for Human Rights  
Network of Civil Society Organizations for the Observation and Monitoring of Elections in Guinea (ROSE)  
No Peace Without Justice  
Odhikar  
PEN International  
Project on Middle East Democracy (POMED)  
Remembrance and Loyalty Organization  
Reporters Without Borders (RSF)  
Robert F. Kennedy Human Rights  
Safeguard Defenders  
Salam for Democracy and Human Rights  
Scholars at Risk  
A step-by-step organization for the rule of law and human rights  
SUARAM, Malaysia  
The Tahrir Institute for Middle East Policy (TIMEP)  
Tunisian Alliance for Dignity and Rehabilitation  
Tunisian Association for the Defense of Individual Liberties  
Tunisian League for the Defense of Human Rights  
Tunisian Network for Transitional Justice  
Tunisian Observatory of Places of Detention  
Unit for Protection of Human Rights Defenders - Guatemala  
US Committee to End Political Repression in Egypt  
Women's International League for Peace and Freedom  
World Organisation Against Torture (OMCT)