

URGENT ACTION

ACTIVISTS CONVICTED BY EMERGENCY COURT

On 20 December 2021, the Emergency State Security Court sentenced activist **Alaa Abdel Fattah** to five years' imprisonment and human rights lawyer **Mohamed Baker** to four years in prison, after convicting them of spurious charges of "spreading false news" over their social media posts. They have already spent 28 months in arbitrary detention, stemming solely from the peaceful exercise of their human rights. Amnesty International calls for their immediate and unconditional release.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

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Dear President,

*I am writing to raise my concerns about the unjust imprisonment of activist **Alaa Abdel Fattah** and human rights lawyer **Mohamed Baker** who on 20 December 2021 were convicted by an emergency court for "spreading false news undermining national security" and sentenced to five and four years in prison, respectively, solely for the peaceful exercise of their human rights. Proceedings before emergency courts are inherently unfair as their verdicts are not subject to appeal by a higher tribunal. The defendants were also denied their right to adequate defence as their lawyers were prevented from communicating with them in private and photocopying the casefiles, indictments and verdicts. Their lawyers filed complaints to the office responsible for ratifying Emergency State Security Court (ESSC) verdicts, calling for you to quash the verdict in accordance to Article 14 of the Emergency Law.*

Alaa Abdel Fattah and Mohamed Baker have been arbitrarily detained since September 2019 and are held at the Tora Maximum Security 2 Prison in Cairo in cruel, inhuman and degrading conditions, which violate the absolute prohibition of torture and other ill-treatment. On 9 January 2022, their pre-trial detention was renewed for an additional 45 days in a separate case (No. 1356 of 2019) in connection to unfounded terrorism-related accusations. During the hearing, Alaa Abdel Fattah spoke to the presiding judge about the unlawfulness of his detention as well as his dire conditions in prison, including being denied reading material, exercise in the prison yard and a bed or mattress. He also raised concerns about witnessing violations against other prisoners, being threatened by a security officer with further dire consequences if he does not remain silent and being isolated from other prisoners during transfers from prison to court.

On 18 January 2022, the Court of Cassation rejected the final appeal by Alaa Abdel Fattah, Mohamed Baker and 27 others against their arbitrary inclusion in the "terrorists list" in November 2020, without due process as part of Case No. 1781/2019. The effect of the decision includes a travel ban, an asset freeze and prohibition from engaging in political or civic work for five years.

I urge you to release Alaa Abdel Fattah and Mohamed Baker immediately and unconditionally, quash the verdict against them and drop all charges against them as they are detained solely for peacefully exercising their human rights. Pending their release, I urge you to ensure that they are held in conditions meeting international standards, protected from torture and other ill-treatment and allowed to regularly communicate with their families and lawyers.

Yours sincerely,

ADDITIONAL INFORMATION

Mohamed Baker and Alaa Abdel Fattah have been detained since 29 September 2019 pending investigations into charges of “joining a terrorist group”, “funding a terrorist group”, “disseminating false news undermining national security” and “us[ing] social media to commit a publishing offence” under Case No.1356/2019 of the Supreme State Security Prosecution (SSSP), a branch of the Public Prosecution specialized in investigating national security threats. The SSSP opened investigations against them into similar charges under new Case No. 1228/2021 as part of a strategy increasingly used by the authorities, referred to as “rotation”, to circumvent the two-year limit for pre-trial detention allowed under Egyptian law and indefinitely extend the detention of activists.

The trial of Alaa Abdel Fattah and Mohamed Baker in Case No. 1228/2021 started on 28 October 2021, together with another defendant: blogger and activist Mohamed Ibrahim Radwan “Oxygen”, who was also convicted on charges of “spreading false news” in relation to social media posts and sentenced to four years’ imprisonment. The verdict was not announced by the judge in the presence of defendants, families and lawyers as is the norm. Rather, a court clerk abruptly delivered the verdict to the few lawyers still present in the courtroom. Since October 2021, the authorities referred at least 20 activists, journalists and politicians to trial by Emergency State Security Courts (ESSC). On 22 June 2021, researcher and graduate student Ahmed Samir Santawy was convicted of “spreading false news from outside the country about the internal situation” and sentenced to four years by an emergency court, on the basis of social media posts he denied authoring. On 17 November 2021, former parliamentarian Zyad el-Elaimy was sentenced to five years in prison, while journalists Hisham Fouad and Hossam Moanis to four years’ imprisonment, for sharing social media posts and other content critical of Egypt’s human rights record and economic policy. They were convicted of “spreading false news to undermine national security”. On 23 August 2021, the SSSP referred human rights lawyer Hoda Abdelmoniem, human rights defender and founder of the Egyptian Coordination for Rights and Freedoms, Ezzat Ghoniem, and 29 others to trial in front of an ESSC on charges of disseminating “false news” about human rights abuses by security forces through a Facebook page and various terrorism-related charges.

Alaa Abdel Fattah and Mohamed Baker are held in inhumane conditions at the Tora Maximum Security 2 Prison, in Cairo. Prison authorities hold them in small, poorly ventilated cells and have denied them beds and mattresses. Unlike other prisoners, they are prohibited from exercising in the prison yard and are not allowed to use the prison library nor to receive books or newspapers from outside prison at their own expense. The prison authorities have also been denying them adequate clothing, radios, watches, access to hot water and any personal belongings, including family photos. Mohamed Baker informed his wife during a prison visit that as a result of limited movement and poor prison conditions, he developed pain in his joints and muscles. The families of Mohamed Baker and Alaa Abdel Fattah have lodged official complaints about their treatment in prison, including their exclusion from the Covid-19 vaccine rollout amid concerns that detainees are being transferred from prisons to courts without personal protective equipment (PPE) and held in cramped unhygienic conditions. No information has been made available on the status on their complaints. On 13 September 2021, Alaa Abdel Fattah's lawyer and family publicly raised the alarm about him being in “imminent danger” and expressed concerns that he may be suicidal, noting that the horrid conditions of detention were having a detrimental impact on his mental health.

On 23 November 2020, the Official Gazette published the decision of the Cairo Criminal Court to include Mohamed Baker and Alaa Abdel Fattah to the “terrorists list” for five years without any due process as part of case No. 1781/2019 by the SSSP. Mohamed Baker and his lawyers were not aware that he was also under investigation in case No. 1781/2019 until the publication of the decision, and he has never been questioned by the SSSP in relation to that case or provided with information about the exact charges against him.

Alaa Abdel Fattah, a well-known political activist and government critic, has been repeatedly arrested in recent years including for his role in the 2011 uprising. Mohamed Baker is a human rights lawyer and director of Adalah Center for Rights and Freedoms, which he founded in 2014. They are among thousands of people detained arbitrarily in Egypt for peacefully exercising their human rights or following grossly unfair trials, including mass and military trials.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic or English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 28 March 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline

NAME AND PRONOUNS: Alaa Abdel Fattah (he/him) and Mohamed Baker (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde12/4976/2021/en/>