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Egypt: Prosecution's recycling of cases against dissidents

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Case recycling is a term that has become well-known in Egyptian human rights circles and even at the international level, and related to the Egyptian judicial system.

Case recycling occurs when the prosecution brings a new case against someone who has already been released for another case or is still serving a previous sentence, oftentimes in pre-trial detention. The new cases are simply renewed versions of the same old cases, with the aim of keeping defendants behind bars perpetually.

Recycling of cases has become a means for circumventing time limitations in politically-motivated cases, where the maximum period of pretrial detention is to two years. Usually, detainees are charged with the same accusations that the Supreme State Security Prosecution was unable to substantiate, including spreading rumors and false news and assisting a terrorist group.

There are two types of recycling: The first type is issuance of an order to release a defendant, but before his release, he is forcibly disappeared for a period of time, after which he appears before the Prosecution as a defendant in a new case. The second type of recycling is re-arresting the same defendant and recurring his accusation in a new case, but after his release for a while.

The recycling is one of the mechanisms innovated by the Egyptian security services in the post-30 June (2013) era to prolong the periods of pretrial detention of political activists, sometimes indefinitely. After the arrest of a defendant, in most cases after a period of enforced disappearance for days, weeks, months and in some cases, for years, mostly with exposure to torture, he appears before the Supreme State Security Prosecution, which has the right to order his pretrial detention pending investigation in one of the cases for a period of 15 days, and then it has the right to renew this detention several times, for a total of 150 days.

After that, the renewal of the pretrial detention becomes the jurisdiction of a renewal judge, who has the right to renew the detention for up to 45 days each time; and according to the law, the total periods of pretrial detention may not exceed two years.

Since July 2013, the Egyptian Public Prosecution has expanded issuance of pre-trial detention orders, even in violation of the Criminal Procedure Code, which sets time limits for remand.

Thousands of Egyptian people of different affiliations, ideas and ways of expressing their opinions are now under pretrial detention. Even members of legitimate political parties, university professors, human rights defenders, journalists or workers have also not been spared pretrial detention, including even ordinary citizens who exercise their right to criticism or to peaceful assembly.

Among the detainees who have been charged in a new case following a conditional release under police probation, is Alaa Abdel-Fattah, a blogger and activist, as well as Haitham Mohamadein, an activist and lawyer; where both are among the most famous cases of recycling of the second type, as Abdel-Fattah began implementing the probation penalty as a condition for his release, in March of the year 2019, after he left his prison in Tora. However, despite his detention at the time of the September 20 demonstrations, he was re-arrested on charges of spreading false news and joining a prohibited group.

Patterns of recycling

Various human rights organizations point out that there are [6 different patterns](#) of the phenomenon of “recycling of suspects” that the State Security Prosecution and the Public Prosecution started to use some time ago, making them revolve in vicious circles of accusations based on security investigations that cannot be considered as indictment clues.

These patterns include:

- 1- Imprisonment pending two cases from the beginning,
- 2- Imprisonment pending a new case after months of imprisonment,
- 3- Imprisonment after opening a new case after a release order in the initial case,
- 4- Imprisonment after release, during the implementation of precautionary measures,
- 5- Imprisonment during the release phase after implementation of a prison sentence
- 6- Imprisonment while serving a conditional police probation sentence.

In most cases, detainees are charged with a list of accusations that have become [stereotypical and repetitive](#), which are now used against all activists in general, including: joining a "terrorist" group, assisting a "terrorist" group in achieving its goals, spreading false news, etc. Hence, the differences between cases are mostly not clear, especially that the vast majority of them are not referred to the court for adjudication.

The security services in Egypt use pretrial detention as a punishment for any citizen who expresses critical opinions of government policies, and maintain renewing pretrial detention for those arrested on the background of expressing their opinions on social media, despite the absence of reasonable justifications and the existence of alternatives approved by the law for imprisonment, such as the precautionary measures. In addition, the law prohibits the continued detention of a citizen for more than two years in connection with the same case, but the security services circumvent this law through recycling defendants in new cases and re-arresting them after issuance of a release order, which is only done on a paper form without the detainee leaving home, until he reappears after a while at the State Security Prosecution accused in a new case.

This is what is constantly going on, where thousands of defendants are arrested in different cases, the most famous of which is Case 1338 of 2019, related to the demonstrations of 20 September 2019, 2020, which both erupted upon a call from the actor and contractor Mohamed Ali t in protest against the policies of the Egyptian regime, resulting in the arrest of thousands of people in two different cases.

The most popular cases in this regard include:

1- Case No. 621 of 2018 Supreme State Security Prosecution:

This case includes a number of activists, most notably: Amal Fathy, Sherif El-Ruby, Mohamed Oxygen, Shadi Al-Ghazali Harb, Shadi Abu Zaid, Ahmed Sabry Abu Alam (N. B. the last three were released). The defendants are accused of spreading false news that harms national security and joining a group established contrary to the provisions of the law and the constitution,...

Other human rights activists such as Jasser Abdel Razek and two members of the Egyptian Initiative for Personal Rights (EIPR) were later referred to the same case on similar charges. However, they were released a few days later due to international criticism that accompanied their arrest.

2- Case No. 718 of 2018 Supreme State Security Prosecution:

This case is known as the "metro detainees" case, which was opened against the backdrop of protests caused by the hike in Cairo metro ticket prices. The case involved activists such as Haitham Mohamadein, a lawyer and activist in the Revolutionary Socialists Organization, who was arrested in mid-May 2018, where the Supreme State Security Prosecution ordered his detention pending this case. The charges included: aiding a "terrorist" organization in achieving its aim, and inciting protests.

3- Case No. 277 of 2019 Supreme State Security Prosecution:

This case is known as the "Allahumma Thawra" case (Let it be a revolution), where the prosecution added defendants, including Eng. Yahya Hussein Abdel Hadi, the former general coordinator of the National Civil Movement, with accusations of joining a group established in violation of the provisions of the law that works to prevent state institutions from performing their work, and preparing and planning to commit acts of violence during January and February, and taking advantage of the anniversary of the January 25 revolution to carry out acts of sabotage and spread chaos in the country.

4- Case No. 488 of 2019 Supreme State Security Prosecution:

The Egyptian Front for Human Rights, an Egyptian civil society organization, call this case the "black hole" that swallows journalists and human rights defenders in Egypt. Case 488 includes a number of lawyers concerned with defending rights and freedoms, a few of whom have already been released, while the detention of the majority is still being renewed, including lawyers Mahienour El-Masry and Amr Imam, Esraa Abdel-Fattah, Mohamed Salah, Ibrahim Ezz El-Din, and Islam Mosaddeq, and other political activists and members of political parties. Political Science Professor Hassan Nafaa, Dr. Hazem Hosni, Solafa Magdy and her husband Hossam al-Sayyad were included in this case; however, they have recently been released, in addition to the vice-chairman of the Popular Alliance Party, Abdel Nasser Ismail.

5, 6- Case No. 1413 of 2019 and Case No. 1383 of 2019 Supreme State Security Prosecution:

Based on these two cases, thousands of people have been arrested in connection with the demonstrations of 20 September 2019. However, about a week after the order to release the

detainees, and during the implementation of the release procedures, at least 64 people were recycled pending other cases with similar charges, with which a new cycle of imprisonment has begun.

7- Case No. 535 of 2020 Supreme State Security Prosecution:

In light of the outbreak of the Covid-19, the security services sought to prosecute journalists and doctors and any citizen expressing any opinion different from the regime's official narration, where at least 8 defendants, the majority of whom are journalists and doctors, were subjected to pretrial detention pending Case 535 of 2020, with charges of aiding a "terrorist" group, spreading and publishing false news, and misusing social media. According to the Egyptian Front for Human Rights in 2020 report, 21 people were subjected to recycling in other cases, notably Case 810 of 2019 and Case 855 of 2019 Supreme State Security Prosecution.

8- Case No. 558 of 2020 Supreme State Security Prosecution:

This case is known in the media as the "Corona case", with several detainees from different categories, including doctors, lawyers, journalists and activists interested in public work. The defendants only used their personal accounts on social media to criticize the government's response to the Covid-19 Pandemic, where they face accusations of publishing and promoting false news, data and rumors; misuse of social media; and participating with a "terrorist" group in carrying out its purposes.

The defendants in this case (18) were subjected to a number of violations, including enforced disappearance for weeks and torture, even during unusual circumstances. imposed by a global crisis. The prosecution charged detainees with joining a group founded in violation of the law, spreading false news, and misusing social media. Fifteen defendants of those arrested during March and April 2020 were subjected to enforced disappearance for periods ranging from two days to a month, a woman was subjected to torture inside the National Security Sector headquarters, and one defendant was subjected to the pattern of recycling pending a new case.

9- Case No. 855 of 2020 Supreme State Security Prosecution:

This case started on 25 August 2020, when the National Security Forces stormed the home of Eng. Ahmed Yousry Ghali (31), the former member of the Constitution Party and arrested him against the

backdrop of publishing a post on Facebook about the death of activist Mustafa Al-Gabrouni inside Tora prison.

On September 9, the security forces arrested Islam Mohamed Al-Kalhi, a journalist at the Daarb website, from the street while performing his journalistic work. Some 14 of the 19 defendants in Case 855 of 2020 Supreme State Security Prosecution were subjected to recycling, but Al-Kalhi and Ghali were later released.

10, 11- Case No. 880 of 2020 and Case No. 960 of 2020 Supreme State Security Prosecution:

These two cases relate to the events of September 2020, when nearly 2,000 defendants were arrested, and included in the two cases known in the media as the September events, after renewed calls for demonstrations against the policies of the regime. The demonstrations started from the evening of September 20 and continued for several days at governorates, villages and remote neighborhoods, but disappeared in Cairo and public squares, unlike the September 2019 protests. The defendants were charged with recurrent accusations, including joining a "terrorist" group; spreading false news; misuse of social media; and participating in a gathering of more than 5 people.

12- Case No. 855 of 2020 Supreme State Security Prosecution:

This case is considered one of the new cases in 2021, where human rights sources indicate that 16 defendants have been included in this case, including 6 defendants who were arrested during January and February 2021, in addition to 10 defendants that were recycled by adding them to the case after release from custody in other issues. All defendants were charged with the same recurrent charges, most notably: joining a terrorist group, spreading false news, and misusing social media.

Table 1: Classification of detainees based on their occupations

Occupation	No	Occupation	No	Occupation	No	Occupation	No	Occupation	No
Journalists	15	Political activists	14	Dentists	01	Movie editor	01	Doctors	02
Lawyers	15	Rights activists	05	Bloggers	02	Graphic designer	01	Vets	01
Researchers	07	Trade unionists	02	Movie producers	01	pharmacist	02	Economist	01

November 16, 2021

Accountant	02	Board Chairman	01	Marketing Professional	01	Consultant expert	01	Student	04
Academic	01	Merchant	01	Unknown	71	Teacher	03	Publisher	01
Worker	01	Driver	01	MP Office Personnel	06	-	-	-	-
Total					164				

Table 2: Political and Party Classification

No	Party/Movement	Number
01	The Karama Current	16
02	Al- Dostour Party	11
03	Bread and Freedom (Under Establishment)	04
04	Popular Alliance	04
05	Strong Egypt	03
06	Egyptian Social Democratic Party	01
07	Revolutionary Socialists	01
08	Civil Democratic Movement	01
09	Muslim Brotherhood	09
10	MP Ahmed Tantawi's office	06
-	Unknown classifications	108
-	Total	56

Table 3: Classification according to gender:

No.	Gender	Number
01	Male	138
02	Female	26
	Total	164