

URGENT ACTION

ARBITRARILY DETAINED ACTIVIST AMID PANDEMIC

On 18 May 2020, prominent activist Alaa Abdel Fattah – who has been arbitrarily detained since September 2019 at Tora Maximum Security Prison 2 ended his 36-day hunger strike in protest at the renewal of his detention in a hearing he was not allowed to attend. Human rights lawyer Mohamed el-Baqer's pre-trial detention was also renewed for 45 days in his absence, denying him the right to challenge his arbitrary detention.

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

Public Prosecutor Hamada al-Sawi
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Dear Counsellor,

I am writing to you to raise our concerns about the ongoing arbitrary detention and safety of prisoners **Alaa Abdel Fatah** and **Mohamed el-Baqer**. Amnesty International considers both to be prisoners of conscience, detained solely in relation to their peaceful defence of human rights.

While we are aware that in early March, the Egyptian authorities suspended all prison visits as a measure to prevent the spread of COVID-19, prison officials have a responsibility to make sure Mohamed and Alaa are permitted to regularly send letters to their families and reassure them amidst fears of the spread of Covid-19.

I also draw your attention to the right of prisoners to receive medication provided by their families and particularly given the risks of the spread of Covid-19. Prison official arbitrarily refused to receive medication from Alaa's family during his hunger strike from 12 April. Alaa's mother and sister attempted to deliver vitamins, herbal beverages, rehydration solution, disinfectants and hygienic materials to him on 23 days, often spending most of the day outside the prison, but prison officials refused. After a month of no news regarding the health of Alaa, prison officials finally gave his mother Leila Soueif and sister Mona Seif a letter on 18 May. In his letter, Alaa explained that he ended his hunger strike after learning that he could proceed with his complaint over arbitrary detention through his lawyers. Alaa had gone on hunger strike in protest at his continued detention without a legal basis after the expiry of his pre-trial detention order. His detention was extended by another 45 days on 5 May without him or his lawyers in attendance. They therefore had no opportunity to challenge the legality of their detention, in violation of his right to legal recourse and freedom from arbitrary detention according to the International Covenant on Civil and Political Rights.

I therefore ask you to release Alaa Abdel Fattah and Mohamed el-Baqer immediately and unconditionally and drop the charges on which they are being investigated, as they are detained solely in relation to the peaceful exercise of their rights. Pending their release, I call on you to ensure they have access to adequate healthcare and means to communicate with their families and lawyers. I also ask you to ensure that the complaints related to their torture and other ill-treatment are investigated. I finally urge you to immediately release all those detained solely for peacefully exercising their rights to freedom of expression and assembly and take measures to protect the health of all prisoners amid the COVID-19 pandemic.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

Alaa Abdel Fattah, a well-known political activist and government critic, has been repeatedly arrested in recent years including for his peaceful activism and criticism of the authorities. Mohamed el-Baquer is a human rights lawyer and director of Adalah Center for Rights and Freedoms, which he founded in 2014. The Center focuses on criminal justice, the right to education and students' rights.

The detention of Alaa and Mohamed came amid the largest arrest campaign since President Abdel Fattah al-Sisi came to power in 2014. On 20 and 21 September 2019, scattered protests broke across Egyptian cities, calling on President al-Sisi to resign. The protests came in response to calls to protest after corruption allegations shared by former army contractor Mohamad Ali in which he accused army leaders and the president of wasting public money on building luxury properties. When they appeared before prosecutors for questioning on 9 October 2019, they reported being subjected to torture and other ill-treatment. The torture in custody of Alaa as well as the mistreatment of Mohamed illustrate the Egyptian authorities' use of extreme brutality to crush dissent.

Mohamed, also detained in Tora Maximum Security Prison Two, was last visited by his family on 7 March 2020. On 18 April 2020, the prison authorities allowed his family to send him food, vitamins and a letter after refusing to accept their package a week earlier. The family also received a letter from him. Mohamed suffers from a number of health conditions including asthma, chest pain, back and lumbar vertebra pain and kidney problems, some of which are included on the World Health Organisation's list of vulnerable groups in relation to COVID-19. The well-documented overcrowded and unsanitary detention conditions in Egyptian prisons present an increased risk of the spread of infectious diseases.

Since 15 March 2020, the Egyptian ministry of justice suspended all hearings before courts as a measure to prevent the spread of COVID-19. Since early May 2020, "terrorism-circuit" judges have extended the pre-trial detention orders of over 1600 detainees in the absence of any due process guarantees: defendants were not present in court, while lawyers were prevented from presenting their defence. Alaa and Mohamed, like other pre-trial detainees, were not transferred to court sessions for detention renewal hearings.

On 18 March 2020, Laila Soueif, Mona Seif, Alaa's aunt Ahdaf Soueif and university professor Rabab el-Mahdi – were arrested by security services in front of the Cabinet building in Cairo after they stood in peaceful protest on a pavement demanding the release of prisoners over fears of a COVID-19 outbreak in the country's overcrowded prisons. A prosecutor accused them of "inciting a protest," "disseminating false information" and "possession of material disseminating false information." He then ordered their release pending investigations on bail of 5,000 Egyptian pounds (around US\$320). Although they made the bail payment the same day, they remained in detention overnight without legal grounds. On 19 March, the authorities transferred Laila Soueif to the Supreme State Security Prosecution (SSSP) building in New Cairo, where a prosecutor ordered her release on bail of 3,000 Egyptian pounds (around US\$190). All four were released that night.

In the aftermath of September 2019 protests, Amnesty International has documented how the Egyptian security forces have carried out sweeping arrests of protesters and rounded-up journalists, human rights lawyers, activists, and political figures in a bid to silence critics and deter further protests. This included 76 arrests across six cities between 19 and 29 September 2019. The Egyptian Commission for Rights and Freedoms, an independent NGO, reported that at least 2,300 have been arrested in relation to the protests. According to lawyers, scores of detainees have been released without questioning, but many others continue to be held.

On 29 March 2019, Alaa had been released on probation after serving an unjust five-year prison term for participating in a peaceful protest. His probation terms required him to spend 12 hours every night at a police station for five years. On 29 September 2019, Alaa did not leave the Dokki police station in Cairo, where he spent his probation. The police told his mother that he was taken by the National Security Agency (NSA) officers to the SSSP. Later that day, Mohamed entered the SSSP building to represent him. According to their families and friends, Alaa and Mohamed's whereabouts were unknown until on 1 October 2019, when they appeared for the first time since their arrest in Tora Maximum Security Prison 2. The questioning focused on Mohamed's work and the prosecutor did not provide any evidence against him except an NSA investigation file, which neither he nor his lawyer were allowed to examine.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic and English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 3 July 2020.

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

NAME AND PREFERRED PRONOUN: Alaa Abdel Fattah (he/him) and Mohamed el-Baquer (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde12/2152/2020/en/>