

URGENT ACTION

ACTIVIST AND LAWYER HELD IN CRUEL CONDITIONS

Human rights lawyer Mohamed el-Baqer and activist Alaa Abdel Fattah have been arbitrarily detained for 20 months without trial over unfounded terrorism-related accusations. They are held in a maximum-security prison in inhumane conditions and subjected to discriminatory and punitive treatment.

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 raise my concerns about the ongoing arbitrary detention of lawyer **Mohamed el-Baqer** and activist **Alaa Abdel Fattah**, who have been in pre-trial detention over unfounded terrorist-related accusations since 1 October 2019, solely for their peaceful exercise of human rights. They are held in inhumane conditions at the Tora Maximum Security 2 Prison, in Cairo. From 1 October 2019 to 9 May 2021, Mohamed el-Baqer and Alaa Abdel Fattah shared a small poorly ventilated cell of 3.5m x 5m with two other prisoners. Prison authorities have denied them beds and mattresses; they have been sleeping on the floor on rough blankets. 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. On 11 May 2021, during a visit, Mohamed el-Baqer informed his wife that he had been transferred to another cell with similar conditions. He said that as a result of limited movement and poor prison conditions, he developed pain in his joints and muscles.

The families of Mohamed el-Baqer 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. On 10 May 2021, the Egyptian Initiative for Personal Rights (EIPR), an independent human rights organization, filed a lawsuit before the State Council, an administrative court with jurisdiction over complaints regarding state bodies' action or inaction, against the Ministry of Health and the Ministry of Interior, which has oversight of prisons in Egypt, for their failure to include prisoners in national vaccine plans. The organization is calling for the authorities to enable prisoners to register for the vaccine, and to either transfer prisoners to designated medical facilities or to allocate suitable facilities inside prisons for vaccination. A similar lawsuit was also filed by Alaa Abdel Fattah's lawyer. On 18 May 2021, authorities announced the vaccination of 5,000 older or chronically ill prisoners and 1,400 medical staff and other prison workers. No additional details have been provided.

I urge you to release Alaa Abdel Fattah and Mohamed el-Baqer immediately and unconditionally and drop all charges against them as they are detained solely for peacefully exercising their human rights. Pending their release, I call on you to ensure they have access to adequate health care, including COVID-19 vaccines, and that they are held in conditions meeting international standards including being granted adequate bedding and outdoor exercise time; and protected from torture and other ill-treatment.

Yours sincerely,

ADDITIONAL INFORMATION

Mohamed el-Baqer 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 offense” under Case No.1356/2019 of the Supreme State Security Prosecution (SSSP).

On 29 March 2019, Alaa Abdel Fattah was 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 Abdel Fattah did not leave the Dokki police station in Cairo, where he spent his probation. The police told his mother that he was taken by National Security Agency (NSA) officers to the SSSP. Later that day, Mohamed el-Baqer entered the SSSP building to represent him. According to their families and friends, Alaa Abdel Fattah and Mohamed el-Baqer’s whereabouts were unknown until on 1 October 2019, when they appeared at Tora Maximum Security Prison 2.

On 30 August 2020, Mohamed el-Baqer was brought in front of the SSSP to face questioning into another case (No. 855/2020). The case includes other prisoners of conscience, already held in pre-trial detention in relation to separate investigations into similar unfounded terrorism-related charges, such as human rights defenders Mahienour el-Masry and Esraa Abdelfattah. According to information gathered by Amnesty International, prosecutors based the accusations against them mainly on NSA investigations case files, which defendants and their lawyers were not allowed to examine. In recent months, the SSSP has been increasingly bypassing court or prosecution decisions to release detainees held in prolonged pre-trial detention by issuing new detention orders covering similar charges.

On 23 November 2020, the Official Gazette published the decision of the Cairo Criminal Court to include Mohamed el-Baqer to the “terrorists list” for five years without any due process as part of case No. 1781/2019 by the SSSP. El-Baqer 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. The effect of the decision includes a travel ban and prohibition from engaging in political or civic work for five years. The news about Mohamed el-Baqer’s addition to a third case and to the “terrorists list” coincided with the announcement by the Council of Bars and Law Societies in Europe to award the Human Rights Award 2020 to Mohamed el-Baqer and six other imprisoned Egyptian lawyers.

The prison authorities have mishandled the spread of COVID-19 in Egyptian prisons. Generally, prison administrations have failed to systematically distribute sanitary products, trace and screen new arrivals, or test and isolate those suspected of infection, and have concealed information about the COVID-19 outbreak from prisoners and their distraught families. Longstanding issues, such as lack of clean water, poor ventilation and overcrowding, have made physical distancing and preventative hygienic measures impossible to implement. Amnesty International also [found](#) that prison authorities hold some prisoners of conscience and others with a political profile in particularly inhumane conditions and deny them rights afforded to other prisoners with the apparent aim of punishing their dissent.

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 el-Baqer is a human rights lawyer and director of Adalah Center for Rights and Freedoms, which he founded in 2014. The organization focuses on criminal justice, the right to education and students' rights. They are among the thousands of people detained arbitrarily in Egypt solely for exercising their human rights or on the basis of grossly unfair trials, including mass and military trials. The authorities continue to severely repress the rights to freedom of expression, peaceful assembly and association. Thousands of people remain in prolonged pre-trial detention, including human rights defenders, journalists, politicians, lawyers and social media influencers.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic or English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 16 JULY 2021

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 el-Baqer (he/him)

LINK TO PREVIOUS UA: www.amnesty.org/en/documents/mde12/3237/2020/en/