

URGENT ACTION

OPPOSITION POLITICIANS TRIED BY SPECIAL COURT

In July 2021, Egyptian politicians and activists Zyad el-Elaimy, Hossam Moanis and Hisham Fouad were referred to trial in front of an Emergency State Security Court over bogus charges, stemming from their peaceful political activities. They continue to be held at the Tora Prison Complex, after having spent over two years in abusive pretrial detention. On 14 July 2021, the Court of Cassation upheld a decision by a lower court to include Zyad el-Elaimy on the “terrorists list”, banning him from engagement in political work and travel for five years.

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

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Your Excellency,

Human rights lawyer and former parliamentarian, **Zyad el-Elaimy**, journalist and politician **Hossam Moanis**, trade unionist and socialist politician **Hisham Fouad**, and three others were referred to trial in July 2021 in front of an Emergency State Security Court (ESSC) on the charge of "spreading false news to undermine the state, national security, public security and spreading panic among the people" in Case No.957/ 2021.

Amnesty International considers the three men to be prisoners of conscience, targeted solely due to their peaceful political activities. They have been held in pretrial detention since July 2019 and denied the right to challenge the lawfulness of their detention. On 23 June and 6 July, the Supreme State Security Prosecution (SSSP) questioned Zyad el-Elaimy about his social media posts and opinion pieces, some dating back to 2013. On 28 June, the SSSP also questioned Hossam Moanis and Hisham Fouad. Hisham Fouad was interrogated about his political views, labour rights activism and social media posts. On 10 July, he went on hunger strike against his arbitrary detention, ending it 16 days later due to health concerns. In reprisal of his hunger strike, prison authorities moved him to a solitary confinement cell.

Their trial, which started on 15 July, has been adjourned until 17 August following requests by defence lawyers to access and photocopy the case file, which exceeds 2,000 pages. The presiding judge barred independent journalists from attending the hearings. According to a source present during trial, the prosecution's evidence consisted of the defendants' articles and media interviews about the human rights and political situation in Egypt. Proceedings in front of the ESSC, a special court that operates when a state of emergency is in force, are inherently unfair. Its verdicts cannot be appealed and are only subject to authorization by the president to become final. A day before the trial started, the Court of Cassation upheld the arbitrary decision by a lower court to include Zyad el-Elaimy on the “terrorists list”.

I therefore ask you to immediately and unconditionally release Zyad el-Elaimy, Hossam Moanis, Hisham Fouad, as their detention is arbitrary and solely based on the peaceful exercise of their human rights. I also call on you to ensure that charges against them are dropped, and the decision to include Zyad el-Elaimy on the “terrorists list” rescinded. Pending their release, I urge you to ensure that they have access to adequate healthcare and are held in conditions meeting international standards for the treatment of prisoners.

Yours sincerely,

ADDITIONAL INFORMATION

Amnesty International has documented the arrest of 15 individuals in case No. 930/2019 known as the “Hope case”. The list of those targeted included **Zyad el-Elaimy**, a former parliamentarian, human rights lawyer and one of the leaders of the Egyptian Social Democratic party, journalist and spokesperson for the leftist Popular Current party **Hossam Moanis**, journalist, trade unionist and socialist politician **Hisham Fouad**, as well as 12 others arrested on separate dates between 9 June and 11 July 2019. At least seven have been subjected to enforced disappearances, while at least eight were subjected to torture and other ill-treatment including electric shocks, beatings and threats. Amnesty International is aware of 105 individuals being investigated in the case; the majority of whom remain detained pending investigations by the Supreme State Security Prosecution into unfounded charges of “aiding a terrorist group”, “membership in a terrorist group” and “spreading false information”, in addition to other charges. The case relates to legitimate activities including participation in public affairs, peaceful expression and defending human rights. The case came to light on 25 June 2019, when the ministry of interior announced in a statement that it had uncovered “a joint plot between the Muslim Brotherhood’s exiled leadership and the civil opposition [in Egypt] to target the state and its institutions.” The statement refers to the arrest of an unspecified number of individuals inside Egypt, including eight mentioned by name. Amnesty International believes that the arrests and prosecution of Zyad el-Elaimy, Hisham Fouad and Hossam Moanis are directly related to their plans to unite secular parties ahead of parliamentary elections, which took place in April-May 2020.

Zyad el-Elaimy is facing four separate criminal proceedings as a result of his political activism. In addition to Case No. 930/2019 and Case No. 957/2021 mentioned above, the terrorism circuit of the Cairo Criminal Court on 18 April 2020 included Zyad El-Elaimy and 12 other detainees on Egypt’s “terrorists list” for five years in relation to case No. 571/2020. The effect of the decision includes travel bans, asset freezes, and prohibition of political activities. On 2 June 2020, a higher court judge upheld his conviction and one year prison sentence in relation to a fourth case (No.684/2020) for conducting an interview with BBC Arabic on the human rights situation in Egypt.

Zyad el-Elaimy has been denied adequate healthcare by Liman Tora prison authorities. According to his medical records, he had sarcoidosis, asthma, hypertension and type 2 diabetes before being detained. A doctor with knowledge of his medical history and situation, said that during his incarceration his medical condition has not been regularly monitored as prison authorities persistently refuse requests by his family and lawyers to conduct medical check-ups and prescribe appropriate treatment. The prison authorities only moved Zyad el-Elaimy once to an external facility for diagnosis in January 2020 but refused to share results with his family or private doctors and did not conduct all the examinations recommended by his private doctors. Zyad el-Elaimy has also been denied appropriate medication for pericardial effusion, a heart condition that he developed in prison, according to informed sources. Without the proper diagnosis and treatment, Zyad el-Elaimy’s health risks to deteriorate further. Zyad el-Elaimy is held in a small cell, with limited access to ventilation, sunlight and exercise. He is banned from interacting with other inmates, and only allowed out of his cell for solitary walking for an hour daily.

Thousands are held in pretrial detention in Egypt for months and sometimes years over terrorism-related charges, in many cases based on police investigations alone. Law No. 8/2015 on Terrorist Entities and Terrorists was amended in February 2020 giving the Public Prosecutor the power to submit to courts lists of entities and persons to be designated as “terrorists” regardless of whether an alleged “terrorist act” has actually occurred and based only on “police investigation or information”. Zyad El-Elaimy was added to the list without any hearings or due process.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 29 September 2021

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

NAME AND PRONOUN: Zyad el-Elaimy (he/his), Hisham Fouad (he/his), Hossam Moanis (he/his)

LINK TO PREVIOUS UA: www.amnesty.org/en/documents/mde12/2723/2020/en/